

A COMPILATION

OF THE

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REGULATING THE ORGANIZATION AND CONTROL

OF THE

POLICE DEPARTMENT

OF THE

CITY AND COUNTY OF SAN FRANCISCO. *Order of the*

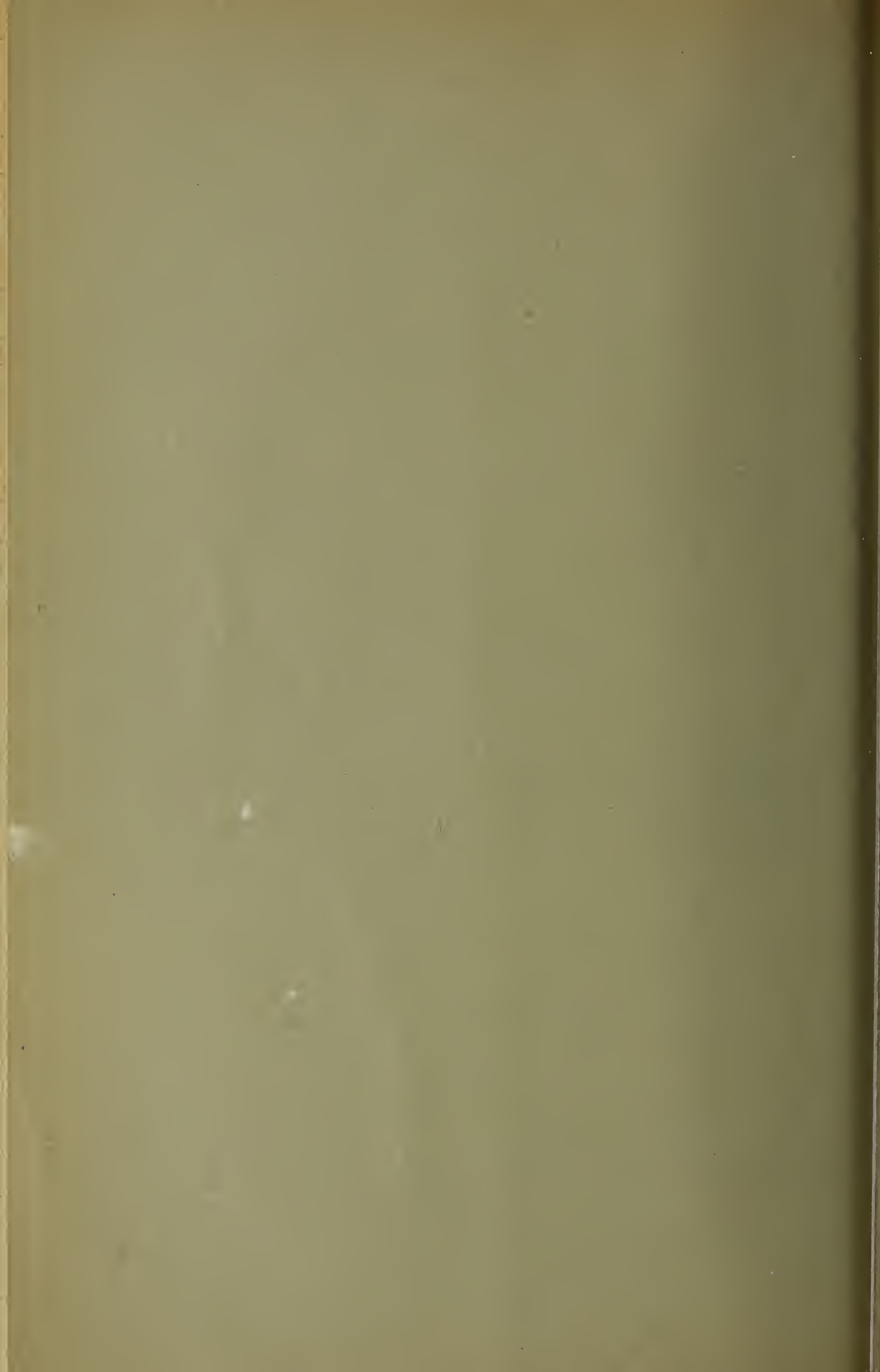


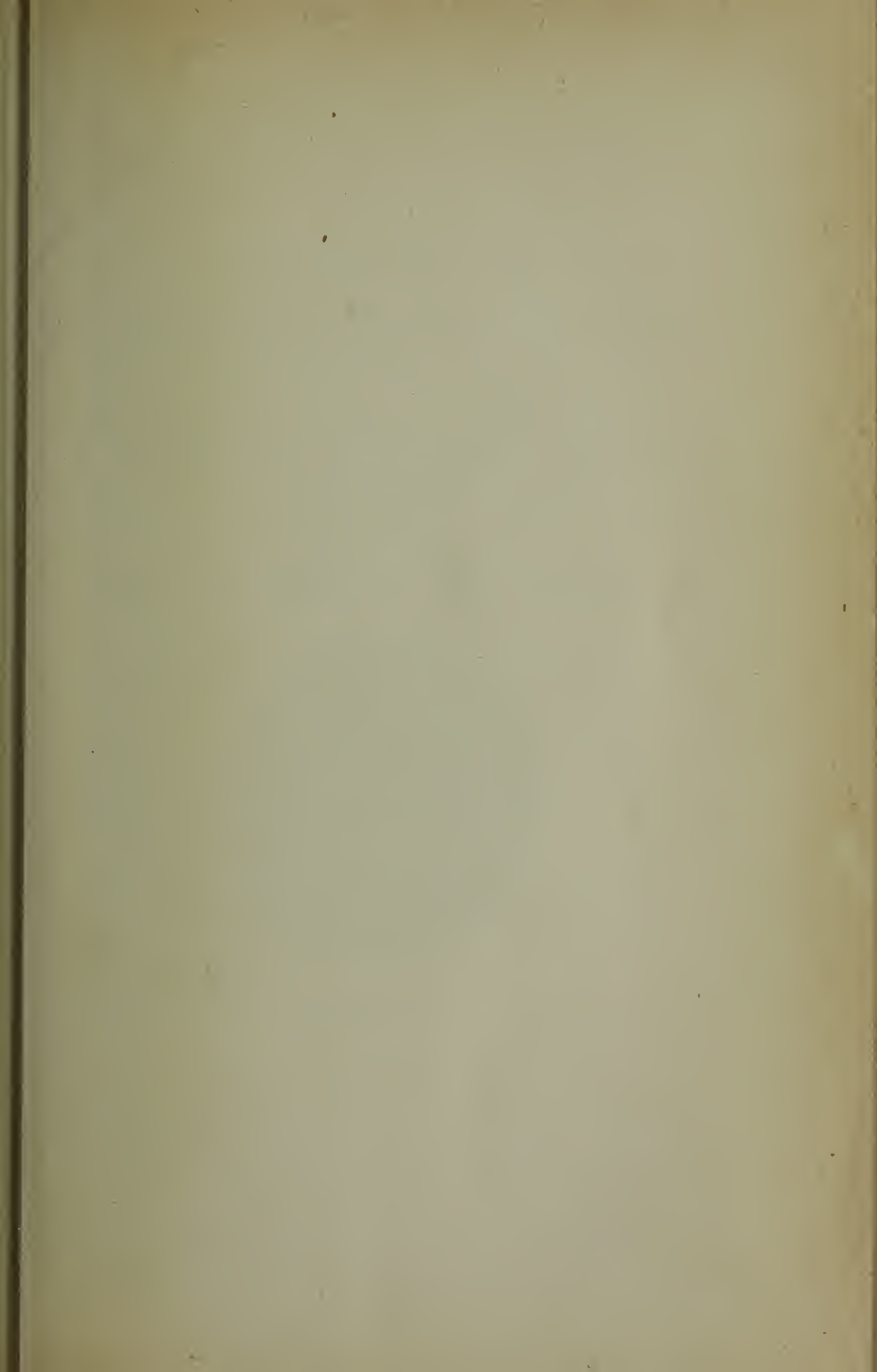
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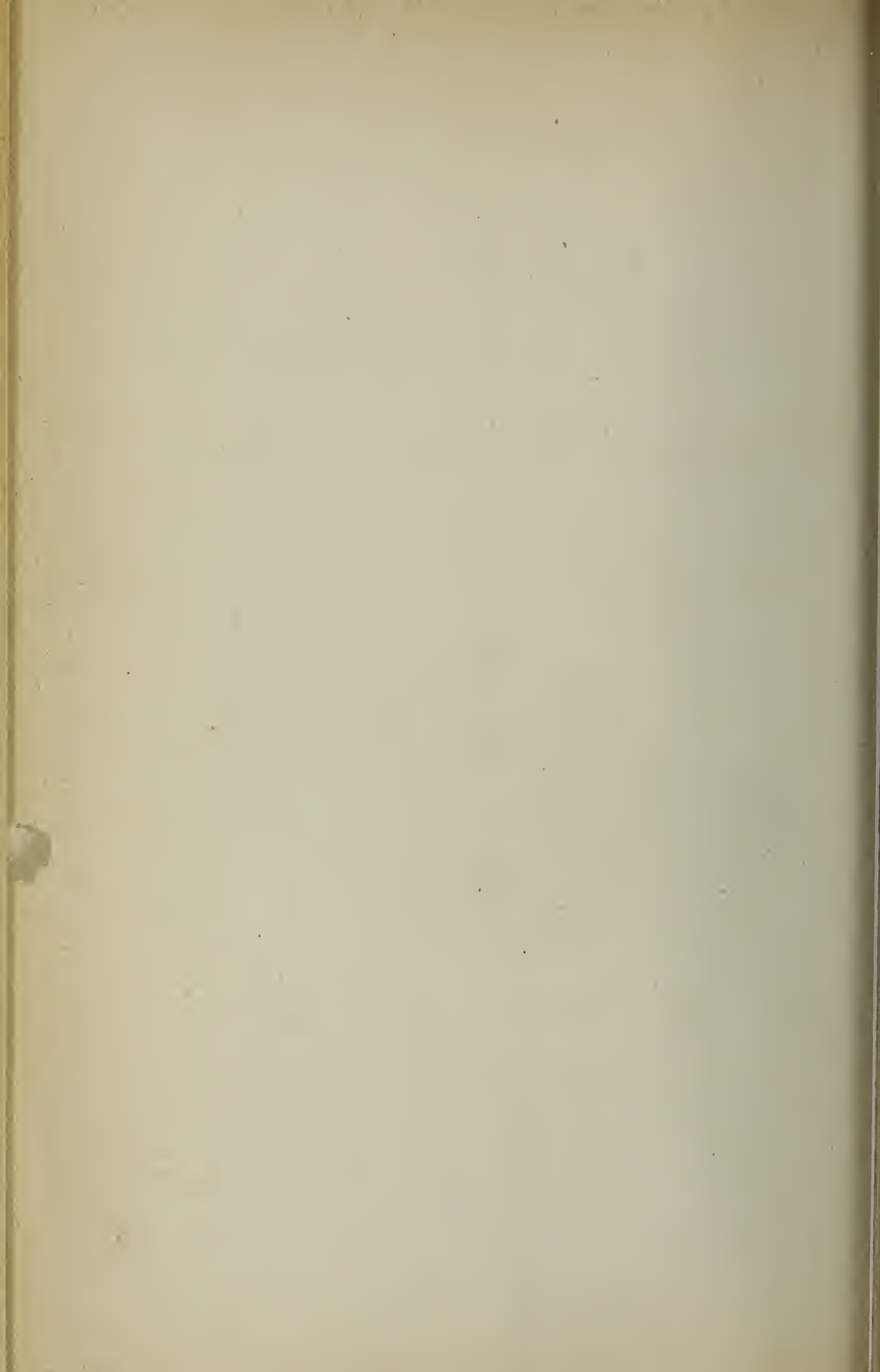
SAN FRANCISCO, CALIFORNIA,

APRIL, 1878.

BUNKER & HIESTER, PRINTERS, No. 16 LEIDESDORFF STREET.







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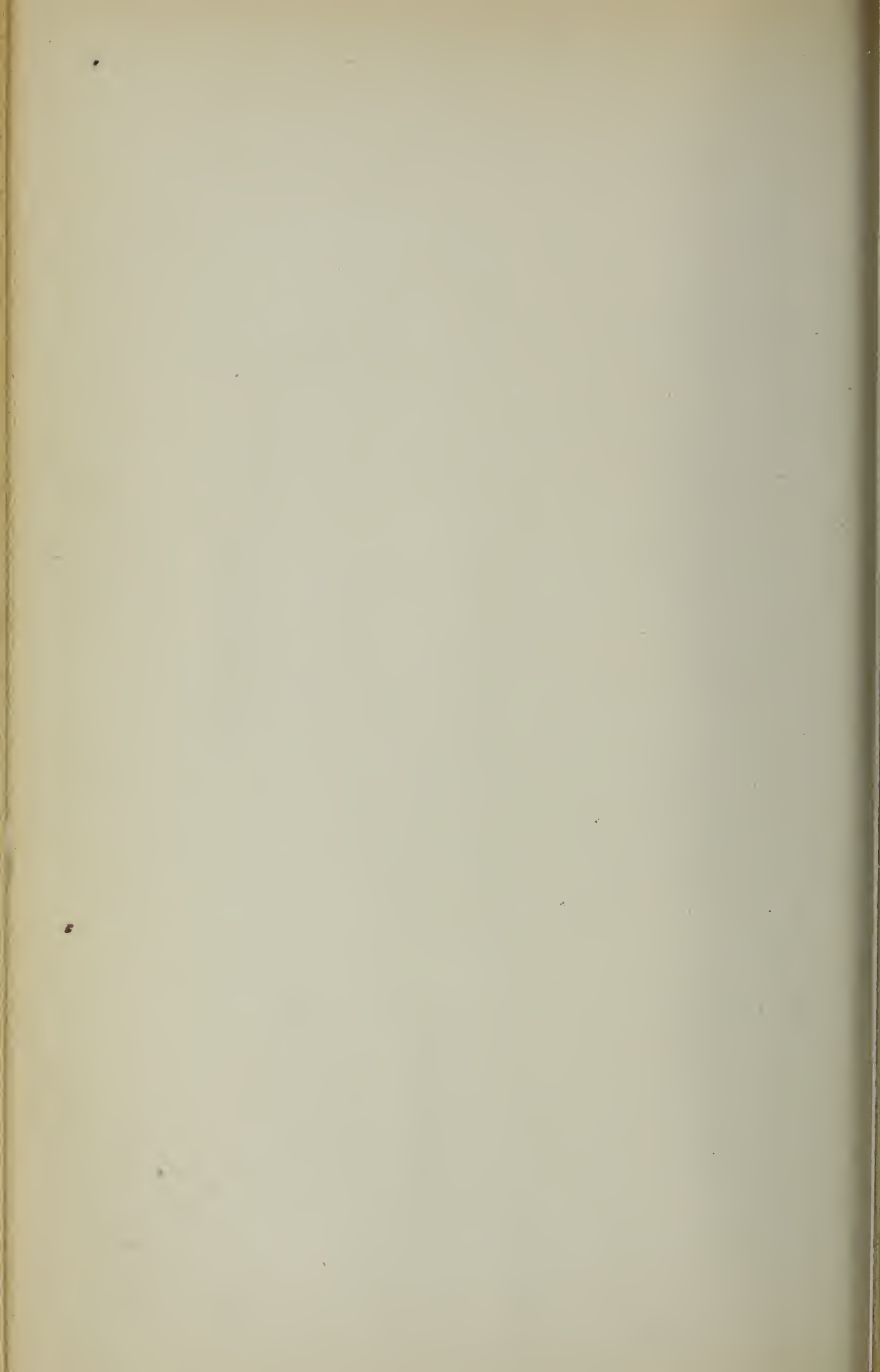
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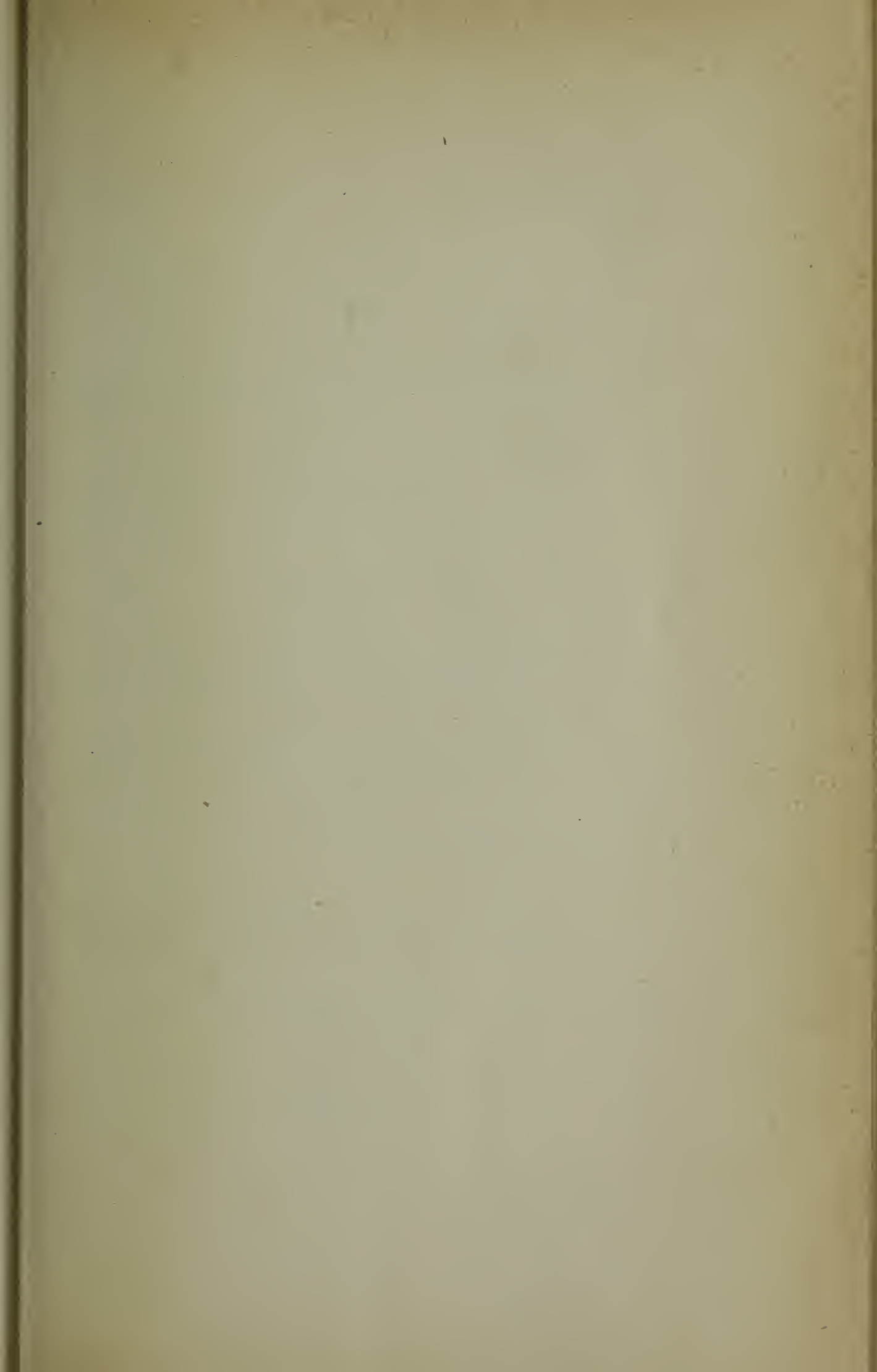


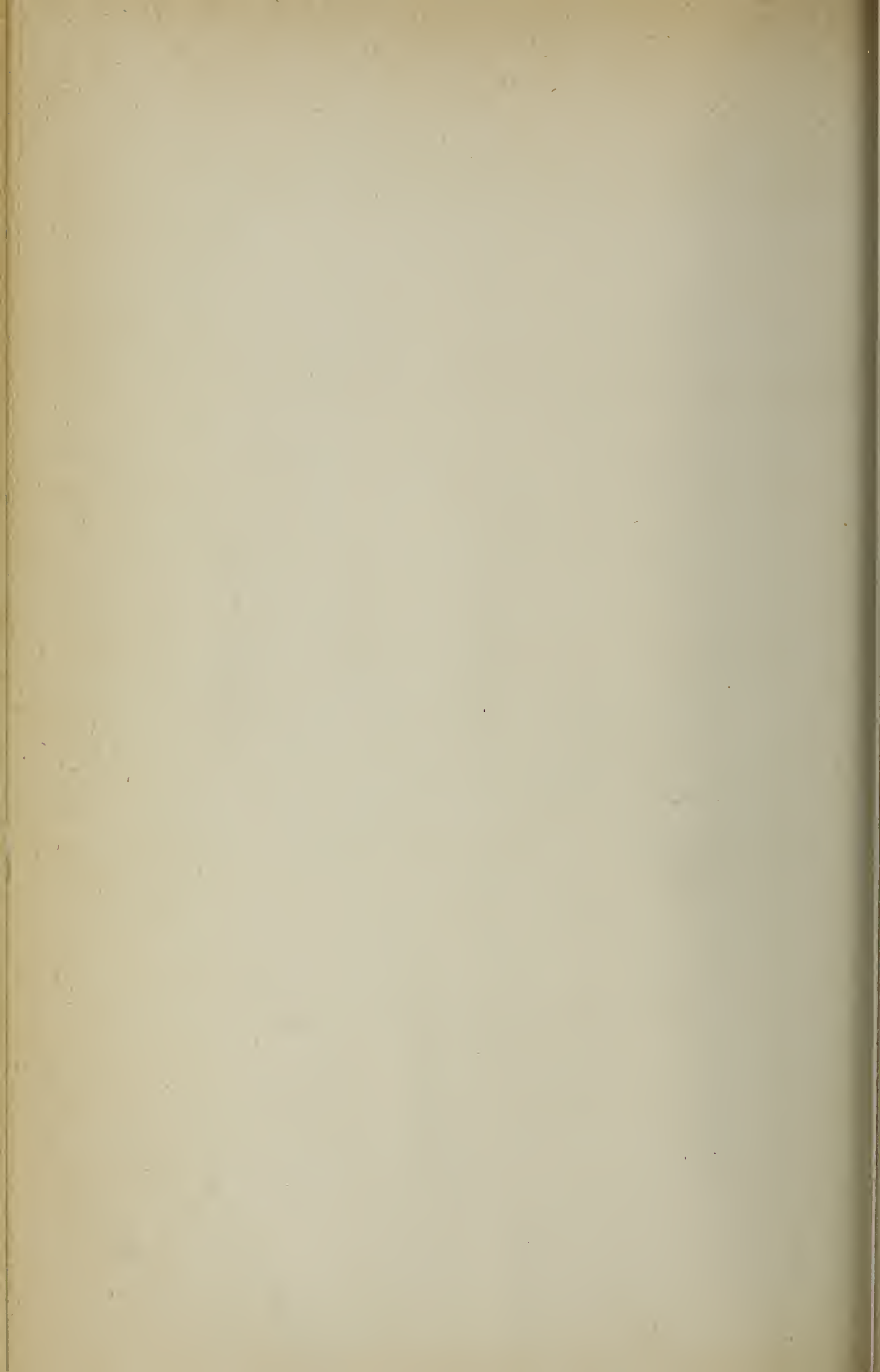
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BOARD OF POLICE COMMISSIONERS

OF THE

City and County of San Francisco.

R. P. HAMMOND. President,

WILLIAM ALVORD,

ROBERT J. TOBIN,

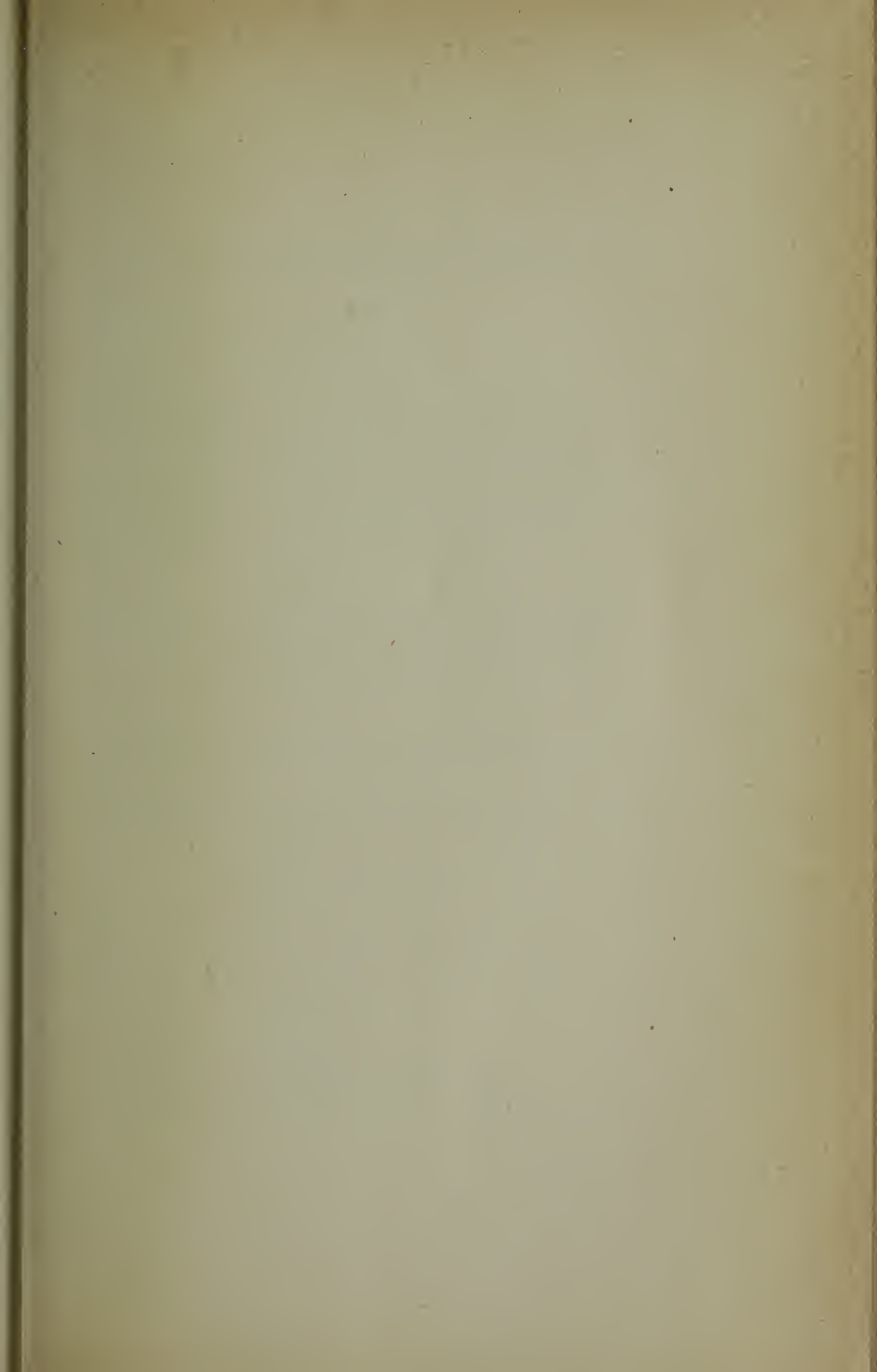
JOHN KIRKPATRICK,

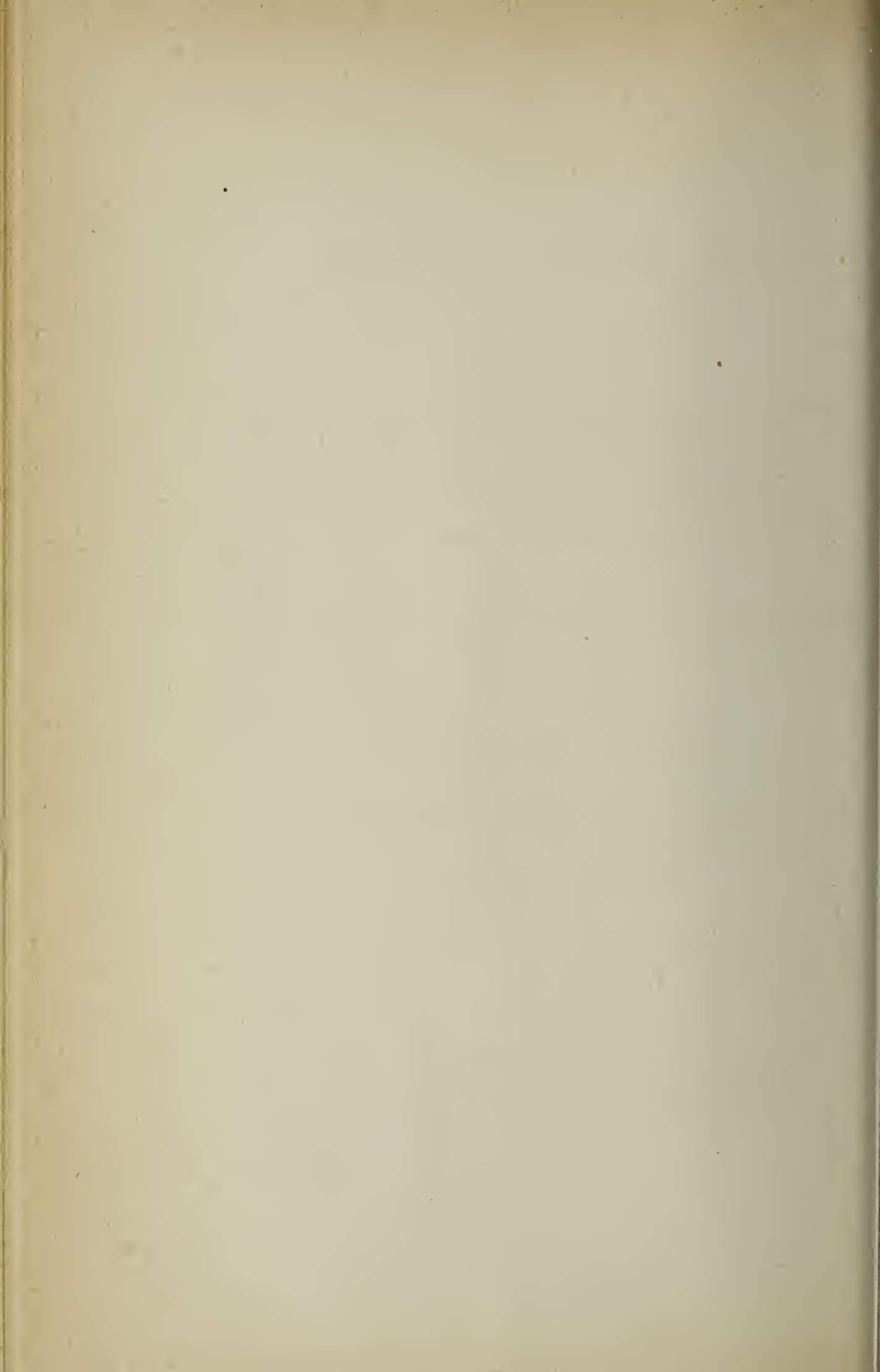
Police Commissioners.

ALFRED CLARKE, Clerk of the Board.

JOHN KIRKPATRICK, CHIEF OF POLICE.

APRIL, 1878.





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April 19, 1856.

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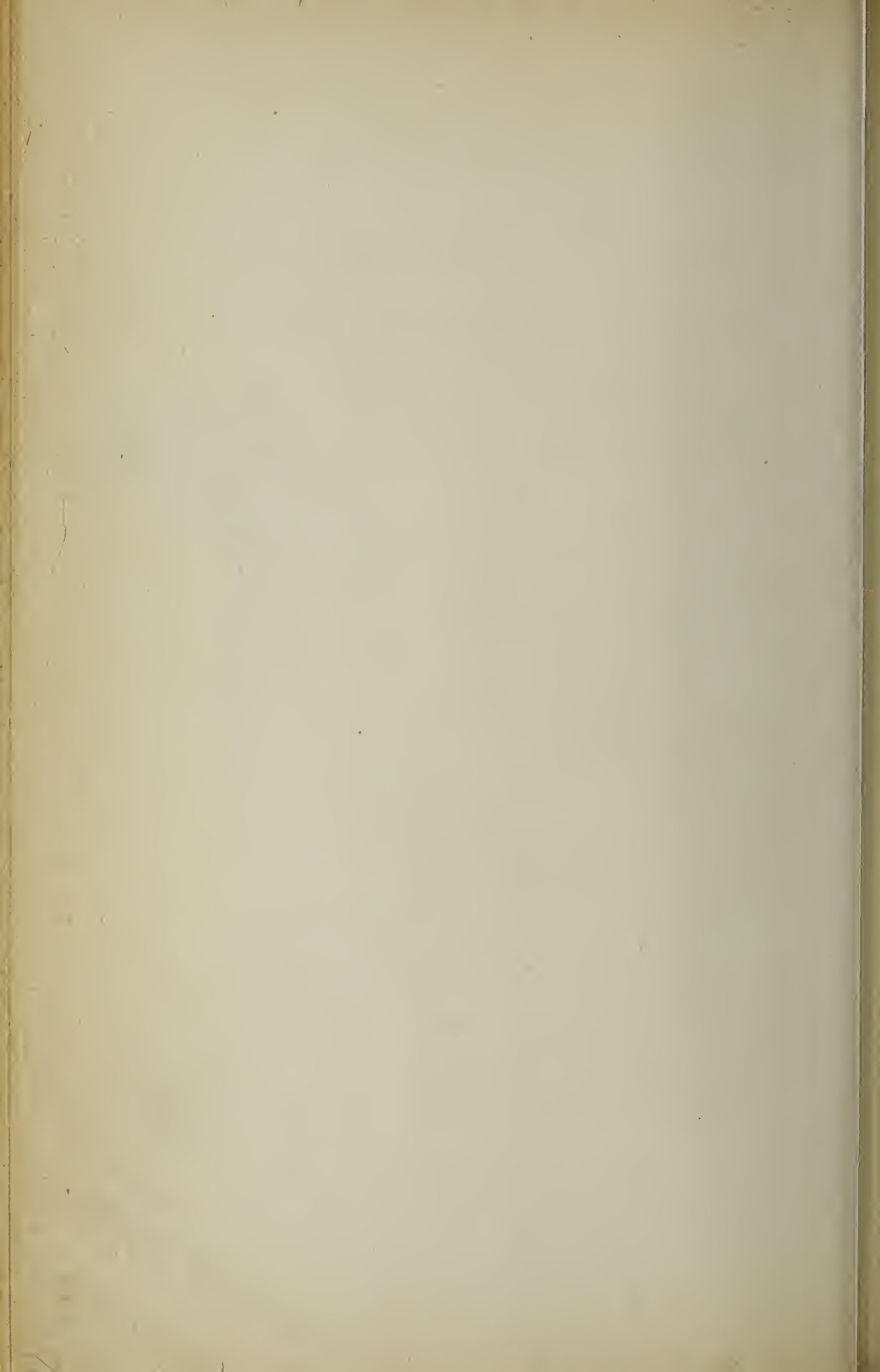
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Relating to Evidence.

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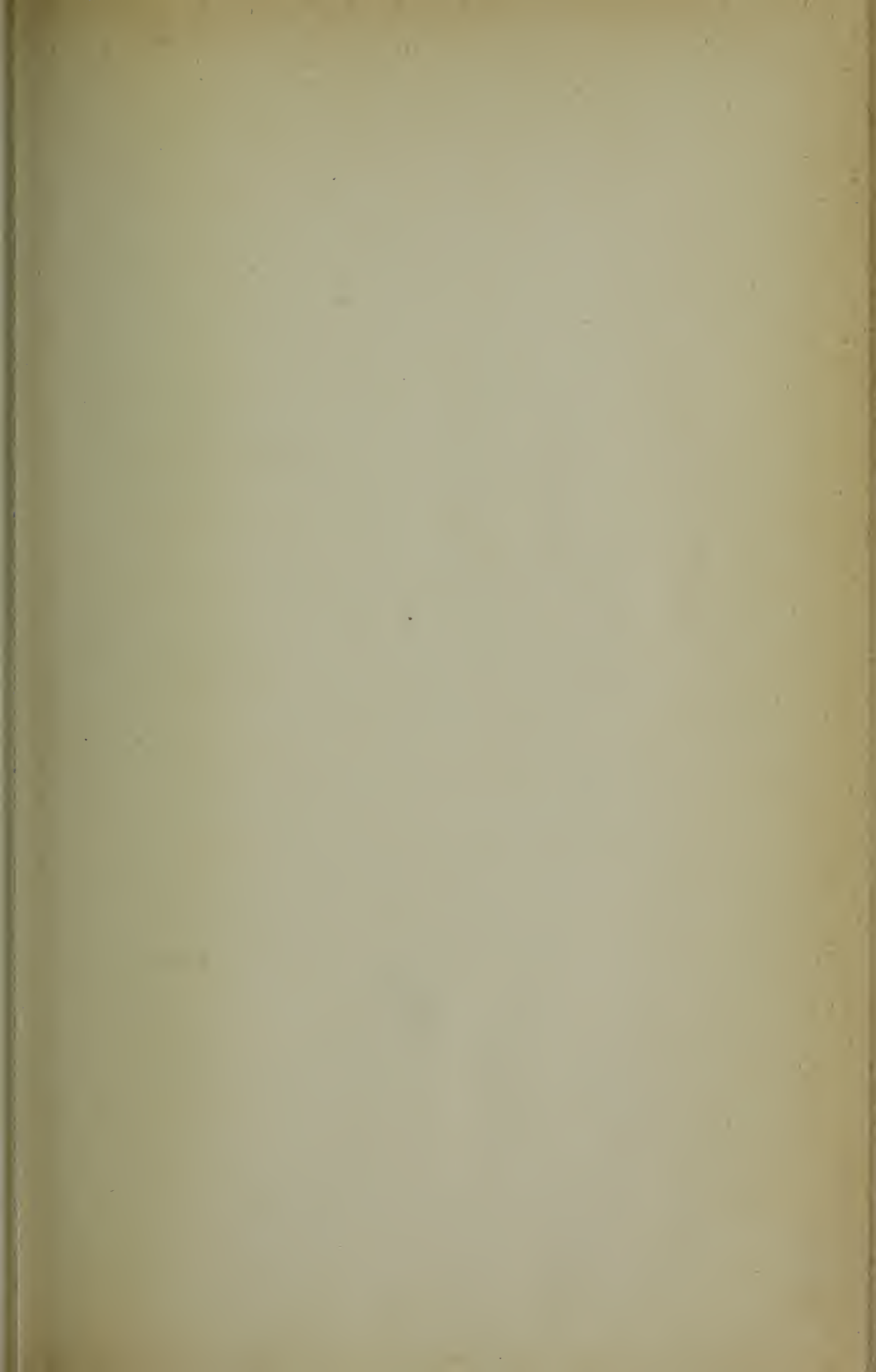
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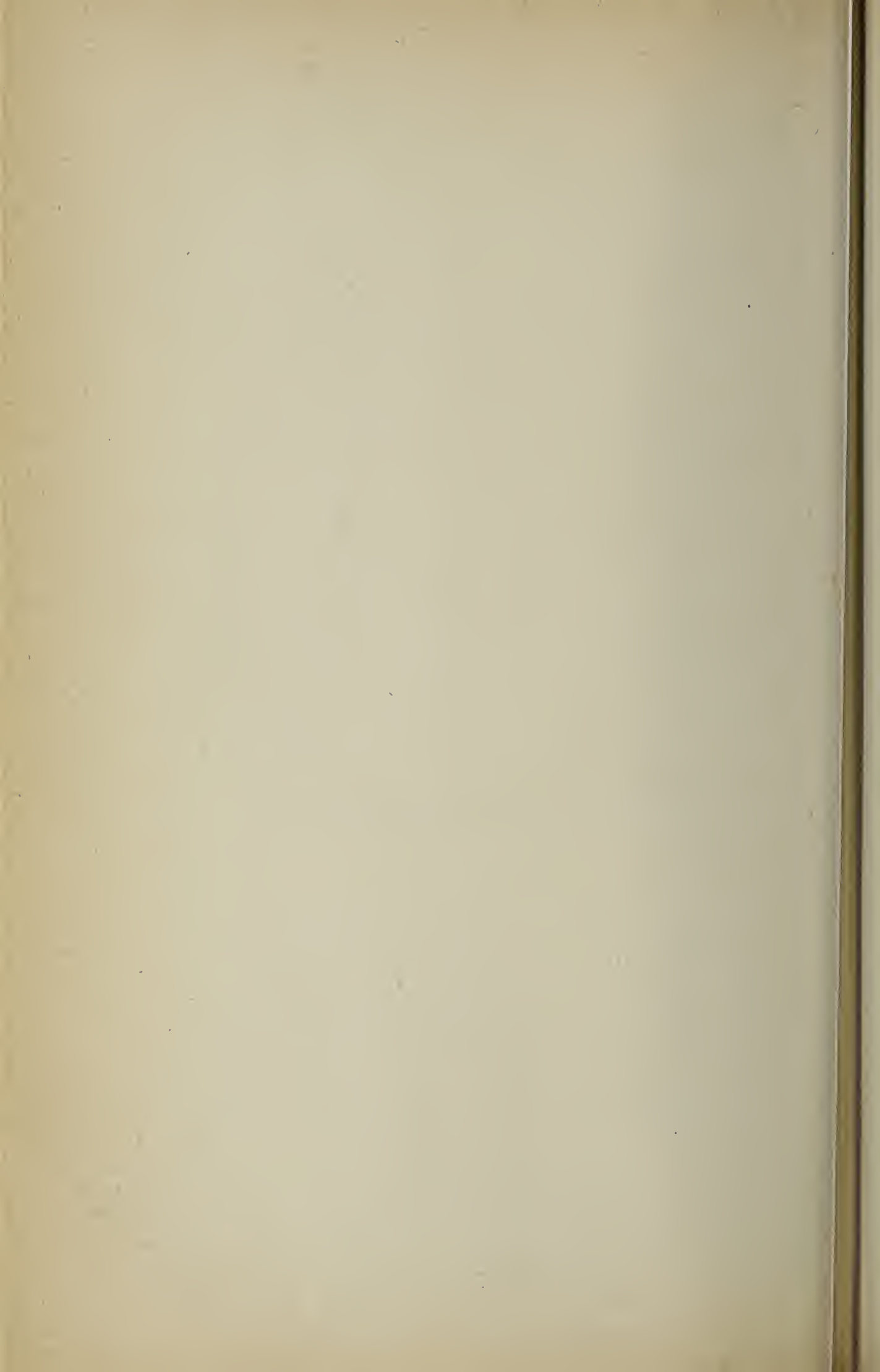
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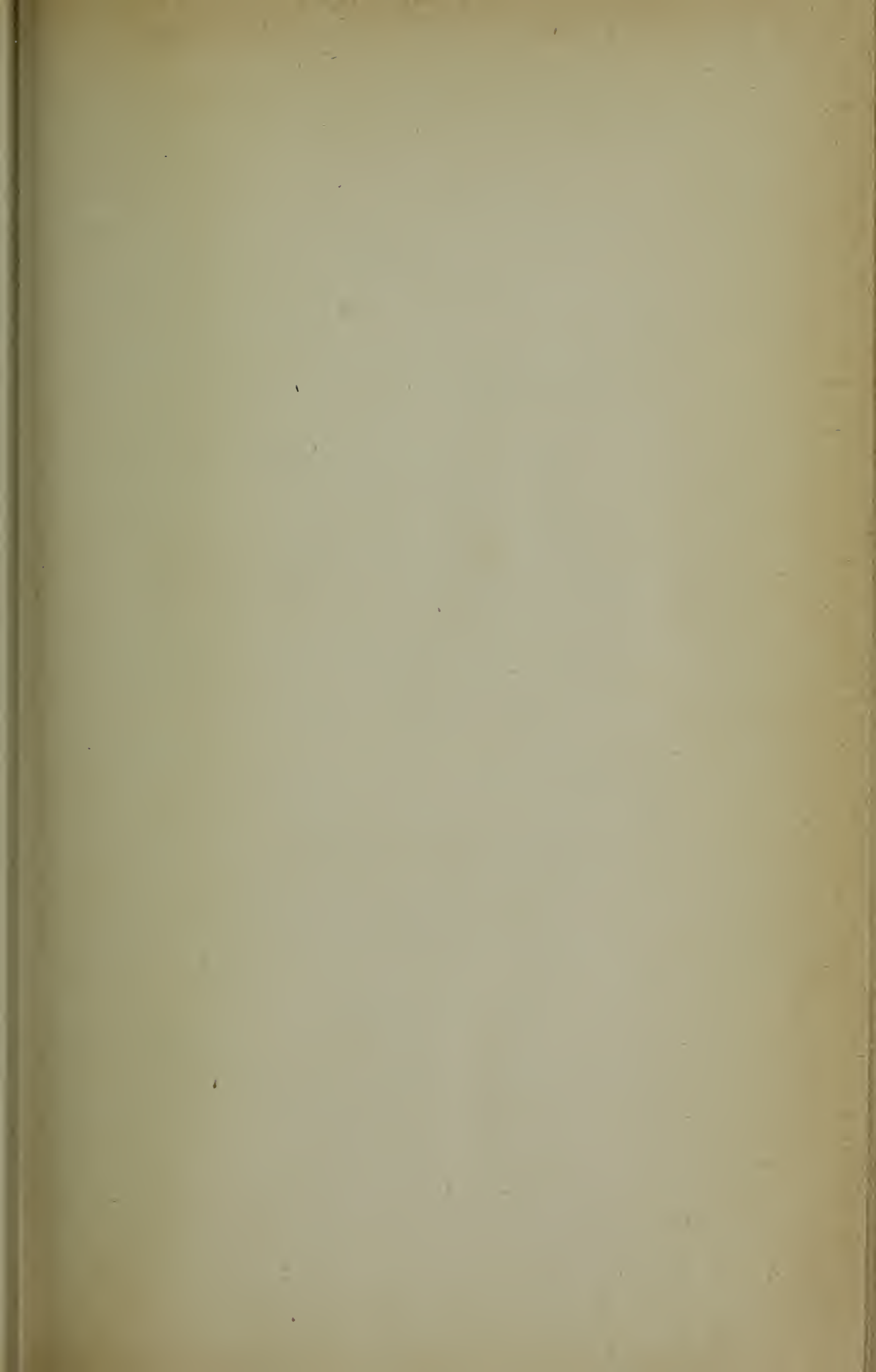
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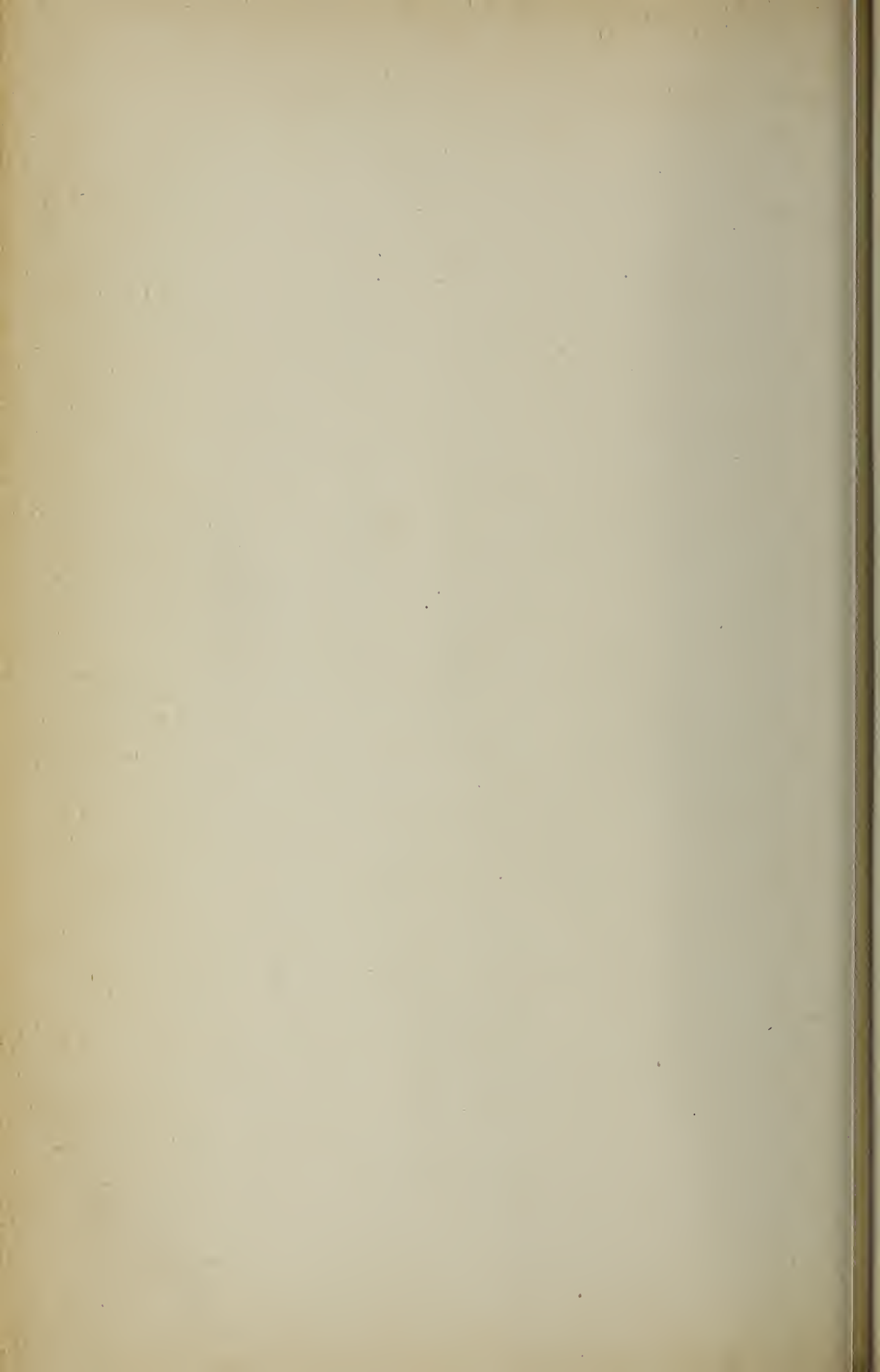
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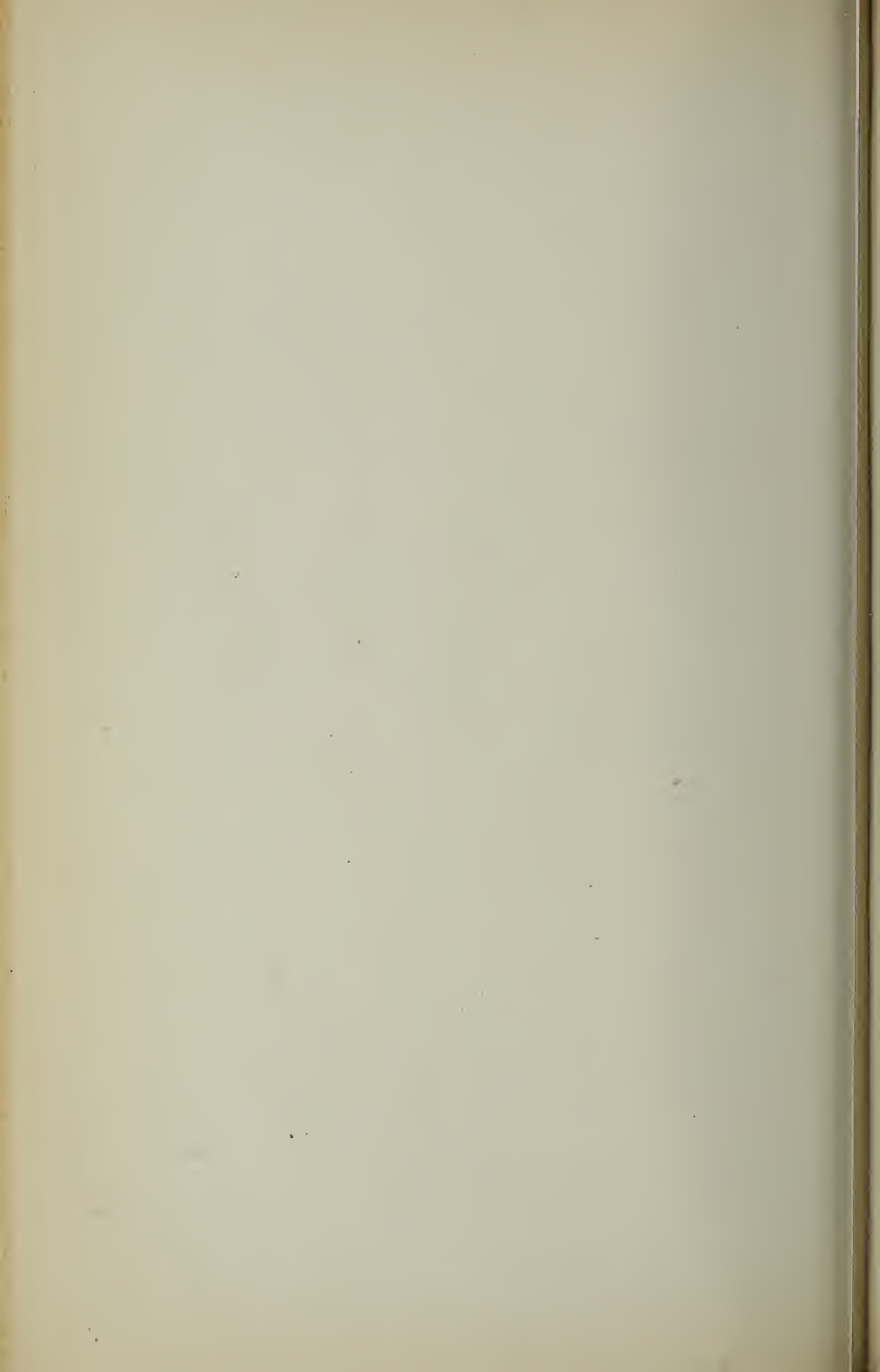
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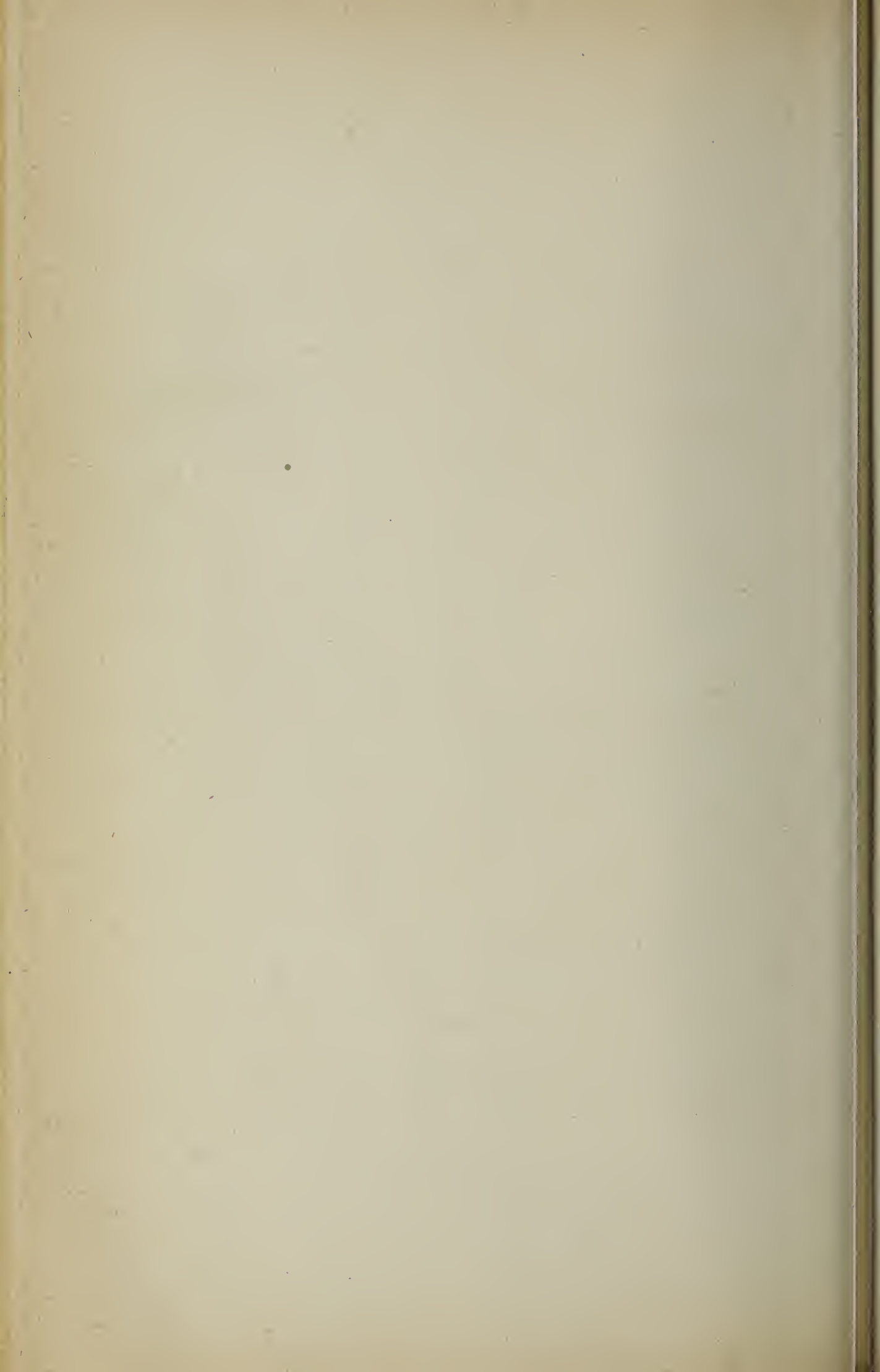
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AN ACT

TO ENABLE THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO TO INCREASE THE POLICE FORCE OF SAID CITY AND COUNTY, AND TO PROVIDE FOR THE APPOINTMENT, REGULATION, AND PAYMENT THEREOF.

[Approved April 1, 1878.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Increase of Police Force.

SECTION 1. The Board of Supervisors of the City and County of San Francisco shall have power to increase the Police force of said City and County, and to reorganize the same, in the following manner: In addition to the force of one hundred and fifty now allowed by law, said Board may increase the same by not to exceed two hundred and fifty, making not more than four hundred in all, to be appointed and governed in the manner provided for the appointment and regulation of the Police force of said City and County.

Compensation of Officers. Old and New Police.

SEC. 2. The compensation of the two hundred and fifty (250) Police officers provided for by this Act, or such part

thereof and said Board of Supervisors shall allow, shall not exceed one hundred and two dollars (\$102) per month each; and the compensation of the police officers in office at the time of the passage of this Act shall continue at the amount or rate established by the Act or Acts under which they have been appointed, until the first day of January, A. D. eighteen hundred and seventy-nine, when and upon which day their pay shall be graded and fixed by the Board of Commissioners provided to be appointed by this Act.

Old and New Police.

The police officers now in office shall be known as the "old police," and those appointed by virtue of this Act shall be known as the "new police."

New Appointees to form New Police.

Police officers hereafter appointed to fill vacancies upon the "old police" shall receive the same pay with the "new police,"

Treasurer shall retain \$2 per month towards P. L. & H. I. Fund.

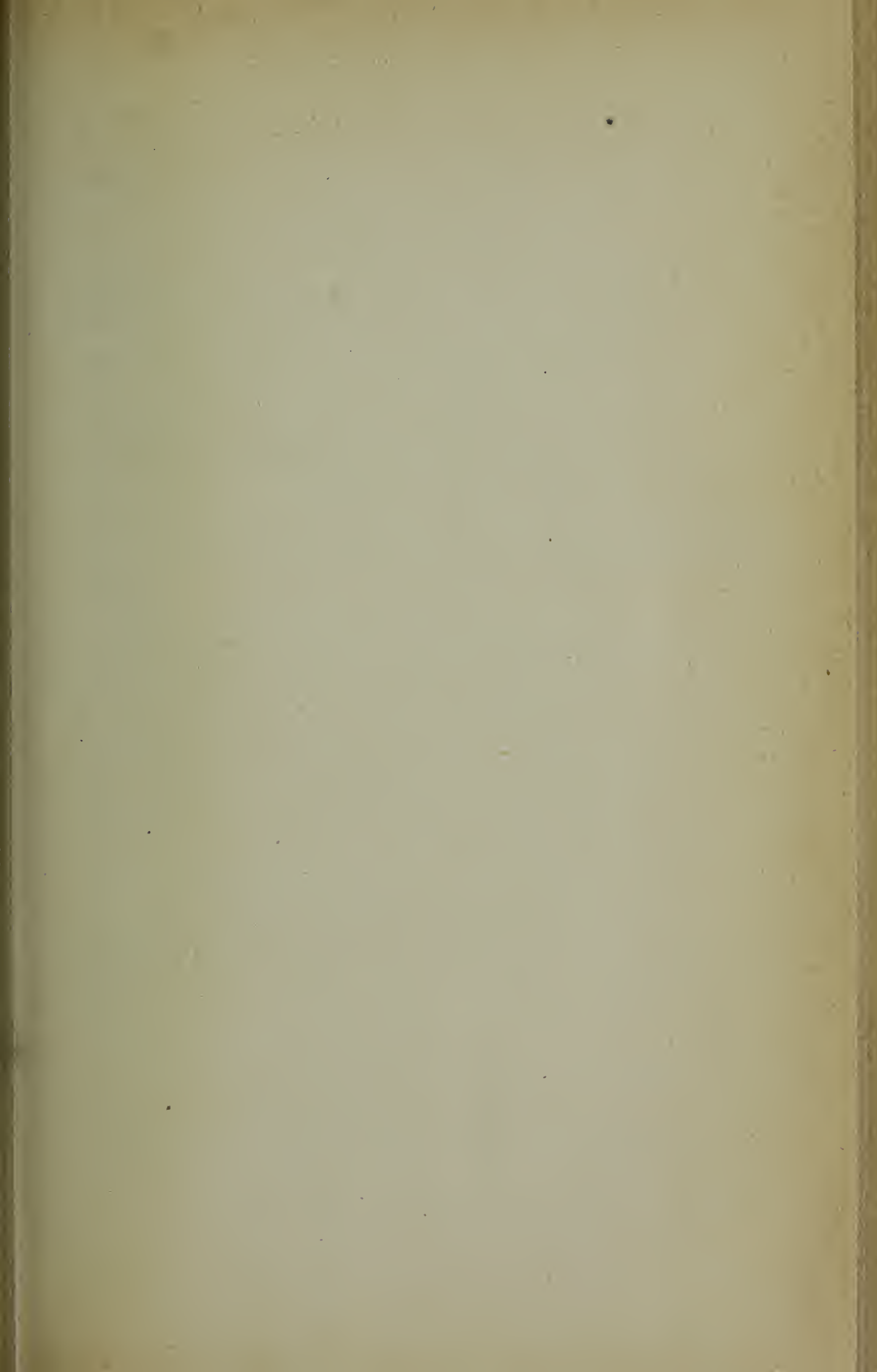
SUBJECT TO THE CONDITION that the Treasurer of said City and County shall retain from the pay of each police officer the sum of two dollars per month, to be paid into a fund to be known as "The Police Life and Health Insurance Fund," which said fund shall be administered as is provided in sections nine to thirteen, inclusive, of this Act.

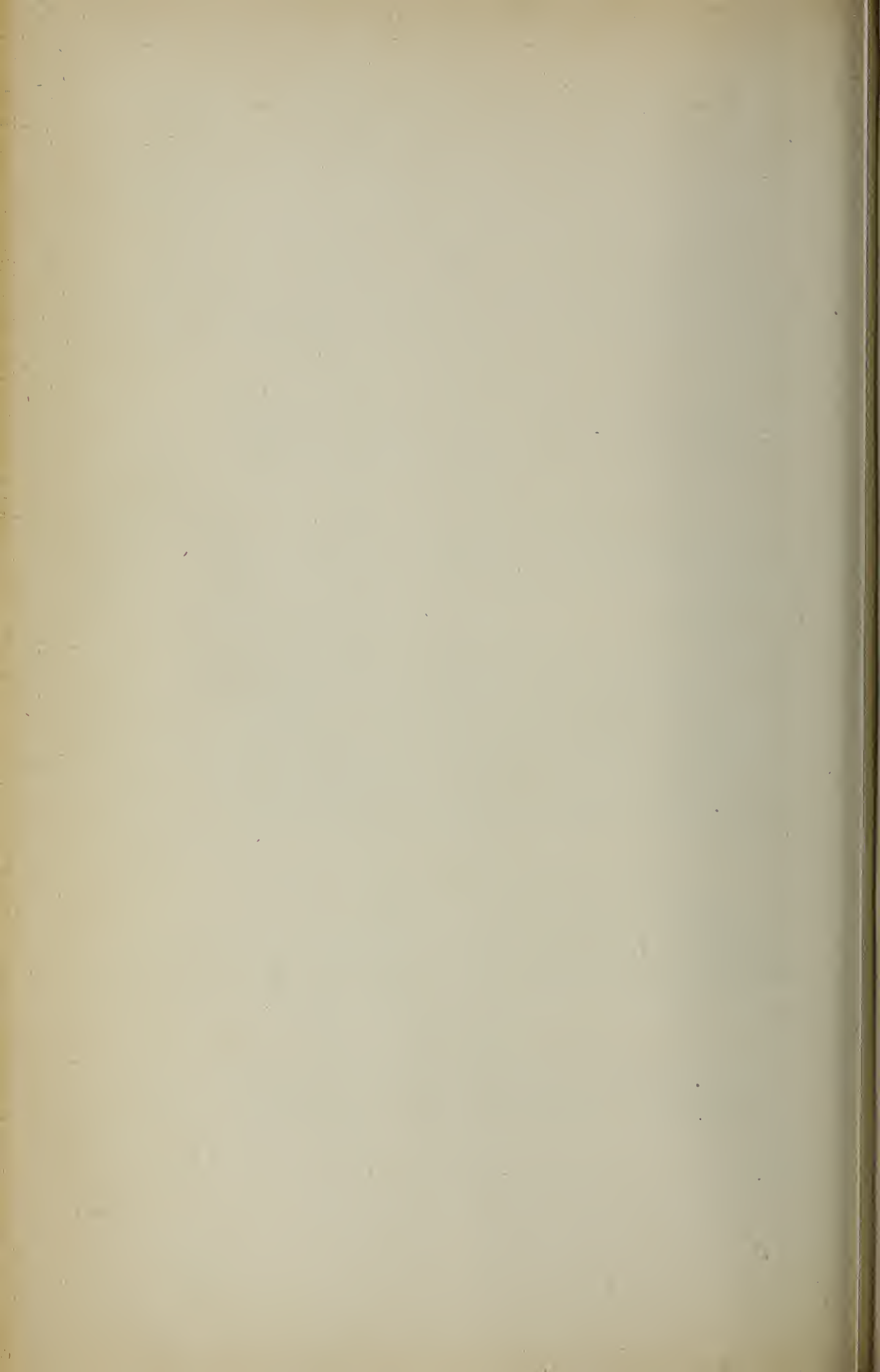
Special Officers abolished, except in certain cases, etc.

SEC. 3. The system of "special police" officers, as heretofore practiced in said City and County, is hereby abolished and prohibited, and no special officer shall be appointed, except as herein provided for.

Appointment of Special Officers.

*It shall be lawful for the Police Commissioners to appoint a special officer when the same is petitioned for





by any persons, firms, or corporations, to be named in the warrant of appointment, to do a special service, to be paid by such persons, firms, or corporations so petitioning.

Penalty for Special Officers unlawfully collecting.

Any special officer asking for, soliciting, demanding, collecting, or receiving, or causing others to do so for his benefit, any money or other valuable thing, upon pretense of guarding or protection of the persons or property of the persons from whom the same shall be asked, demanded, solicited, collected, or received, except the persons, firms, or corporations so petitioning for his said appointment, and named in said warrant, shall be guilty of a misdemeanor, and, on conviction, punished accordingly, and shall be dismissed from the service; PROVIDED, that this section shall not take effect until ninety days after its passage.

*NOTE.—Extract from Political Code.

SEC. 2550.† It is hereby made the duty of the Board of Police Commissioners of the City and County of San Francisco to appoint such number of wharfingers and toll collectors' special policeman as such Commissioners (i. e., Harbor Commissioners) shall request in writing, such Police Commissioners to appoint, and also shall furnish such special policemen the usual badge of office, which shall be paid for by the Commissioners (i. e., the Harbor Commissioners.) Such appointments must be renewed once in each year. The jurisdiction of such special policemen shall be co-extensive with the premises described in this article, [Art. 9, Chapter 1, Title 6, Part 3, Pol. Code], and their terms of office as such wharfingers and toll collectors.

†As amended February 28, 1876.

Special Police prohibited in Chinese quarter.

SEC. 4. No special police officer shall ever be ap-

pointed in that portion of said City and County known as the Chinese quarter, the boundaries of which shall be established from time to time by the Police Commissioners.

Rotation of Regular Police in Chinese quarter.

It shall be the duty of the Chief of Police to change the police officers of the regular force stationed in the Chinese quarter, and to substitute others in their places, so that the whole force, in their turn, shall regularly be assigned for duty in said quarter in regular and continuous rotation.

Payment of Old Police.

SEC. 5. The police officers now in office shall continue to be paid in the same manner, and out of the fund, the same as before the passage of this Act.

Payment of New Police.

The members of the "new police" force shall be paid in the following manner: Each police officer of said new police shall have issued to him monthly by the Auditor, a demand on the Treasurer, showing the amount due him for his salary for such month.

Registration of salary demands.

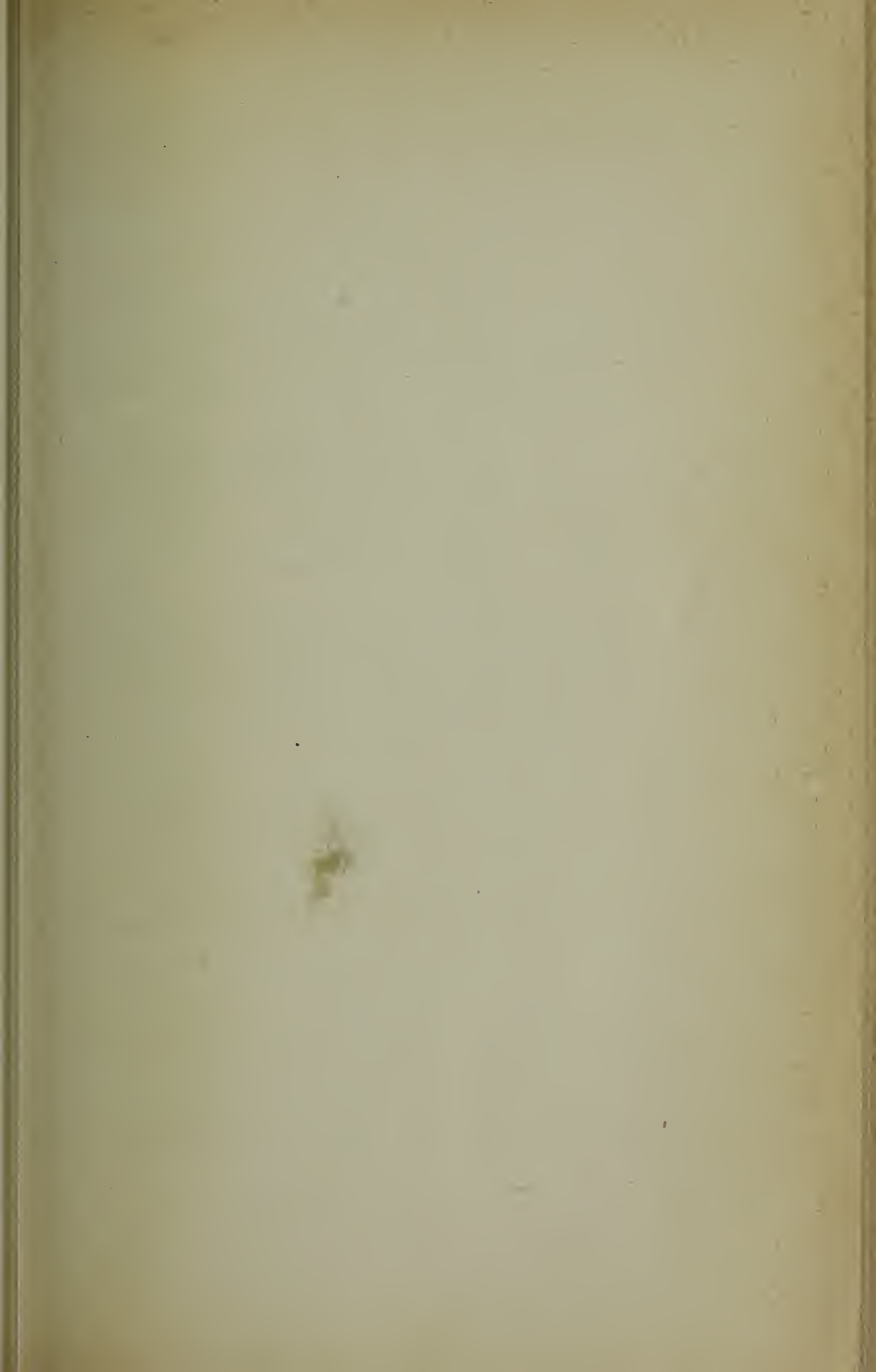
Said demand, on presentation, to the Treasurer of said City and County shall be by him registered, in the order of its issuance, in a book to be kept by him for the purpose, and shall, from the date of such registration, bear interest at the rate of six per cent. per annum until paid.

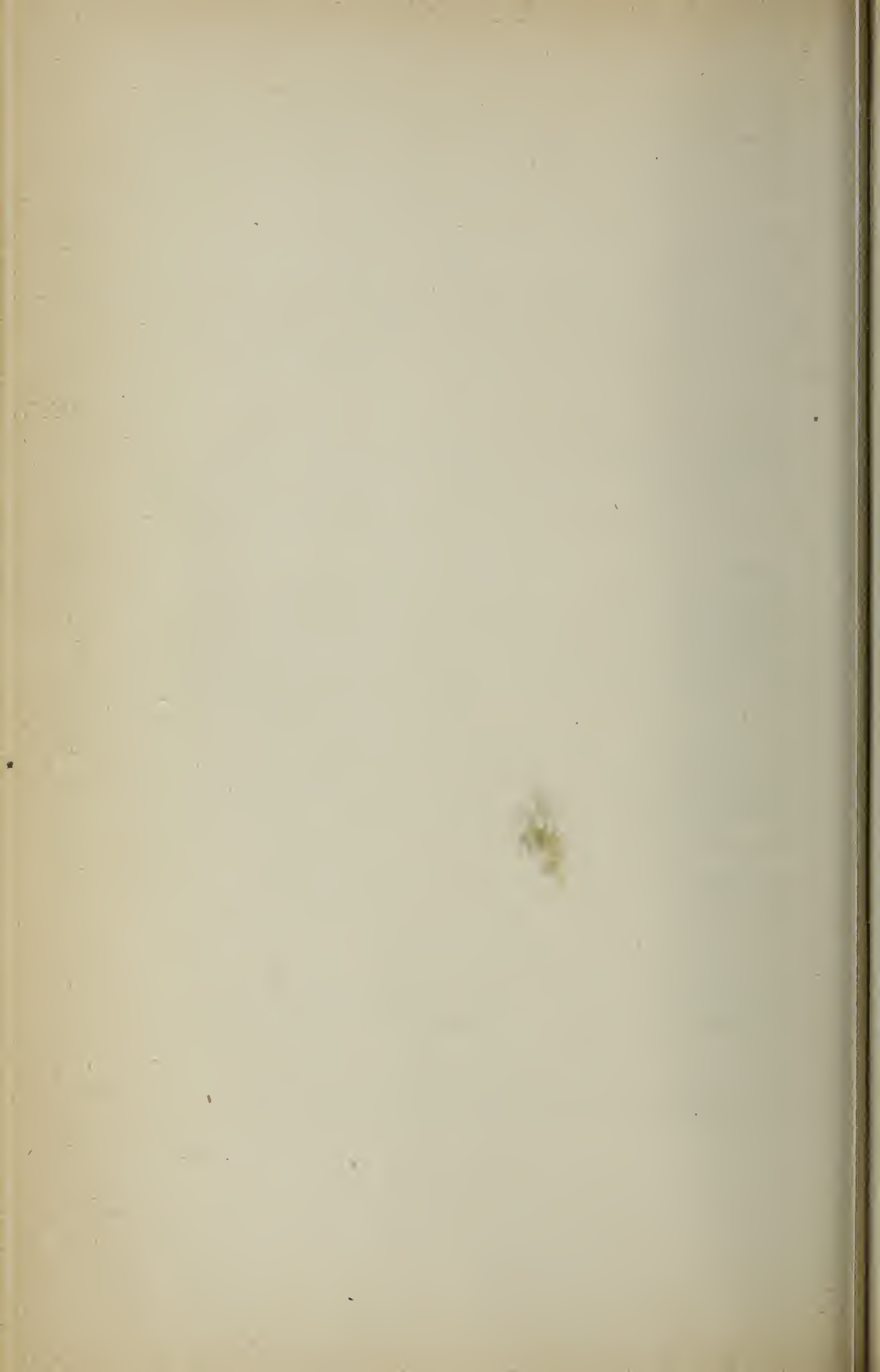
Payment in Gold Coin.

Both interest and principal shall be paid in United States gold coin, in the manner hereinafter provided for.

Tax shall be levied to pay Police.

SEC. 6. The Board of Supervisors of said City and





County shall include in the tax levy for the fiscal year commencing on the first day of June, A. D. eighteen hundred and seventy-eight, a sum and rate sufficient to pay all such registered demands on the treasury, with said interest, and also for the future payment of the salaries of said "new police."

From the time money comes into the treasury sufficient to pay off all of said registered demands, then and from such time said "new police" shall be paid in cash, in the same manner as the old police are paid.

Certain District Judges shall appoint Police Commissioners.

Salary of President and Commissioners.

Ineligibility of Police Commissioners for political office or nominating conventions.

Members of Police Department must not take part in partisan conventions, etc.

Penalty.

SEC. 7. The Judge of the Fifteenth Judicial District of the State of California, the Judge of the Twelfth Judicial District of the State of California, and the Judge of the Fourth Judicial District of the State of California, or so many of them as shall act, are hereby empowered and required to meet together within ten days after the passage of this Act, or as soon thereafter as practicable, and as often as shall be necessary, and to choose three citizens of said City and County, householders of good repute, without respect to their politics, who, together with the Chief of Police, shall constitute the Board of Police Commissioners for said City and County. Said four Commissioners shall be vested with all the powers and subject to all the duties and liabilities of, and shall supersede the Board of Police Commissioners provided for in section seven (7) of an Act entitled "An Act to create a City Criminal Court in and for the City and County of San Francisco, and to define its powers and jurisdiction," approved April third, A. D. eighteen hundred and seventy-six, which section of said Act, and

all Acts and parts of Acts in conflict with or inconsistent with this Act are hereby repealed.

Election of President.

The Police Commissioners appointed under this Act shall choose from their own number a President of the Board, whose salary shall be two hundred and fifty dollars per month, and the other Commissioners so appointed shall receive one hundred dollars per month each, to be paid in like manner with other official salaries in said City and County.

Vacancies, how filled.

All vacancies shall be filled by the aforesaid Judges making the appointments ;

Appointment of Chief

PROVIDED, that from and after the official term of the present Chief of Police, said office shall cease to be elective, and shall be filled by the Commissioners, whose appointment is herein provided for, at a salary of four thousand dollars per annum.

Police Commissioners ineligible to office.

No member of said Board of Police Commissioners appointed as herein provided for, shall be eligible to any other office during his incumbency of the office of Police Commissioner; nor for one year thereafter.

Police Commissioners shall not serve as members of party conventions.

No member of said Board of Police Commissioners shall, during his term of office, be a member of any party convention, the purpose of which is to nominate candidates for office.

Police Officers shall not take part in partisan convention.

Nor shall the officers, members, or employees of said police

department take any part whatever in any partisan convention held for the purpose of a political party.

Police Commissioners shall not influence Officers in elections.

*Nor shall any member of the said Board of Police Commissioners directly or indirectly attempt to influence or control the action of any member of said police department, or any employee thereof, in any primary or general election.

Penalty.

Any violation of the provisions of this section shall be deemed a misdemeanor, and on conviction, punished accordingly.

*NOTE.—See Sec. 2, Act of March 23, 1872, page 24 Post.

The entire Police Force shall be subject to this and pre-existing Law.

SEC. 8. The entire police force of said City and County shall be and continue subject to all laws and regulations in force before the passage of this Act, and not inconsistent or in conflict herewith.

Police Life and Health Insurance Board.

SEC. 9. That the Mayor, Auditor, and Treasurer of the City and County of San Francisco shall constitute a Board known as "The Police Life and Health Insurance Board."

Duties of Police Life and Health Insurance Board.

SEC. 10. The said Board shall, from time to time, as in their judgment may be best, invest the moneys of "The Police Life and Health Insurance Fund" in such of the following securities as shall seem the most safe and profitable, namely: The bonds of the City and County of San Francisco, the bonds of the State of California, the bonds of the United States of

America; and the securities shall be held by said Treasurer, subject to the order of said Board, and the said Treasurer shall have no power to deposit, pledge, or in any way part with the possession of said securities, or the evidence thereof, except on the order of said Board.

Payment of Insurance on death, resignation or dismissal of Police Office.

SEC. 11. Upon the death of any member of the said police force, after the first day of June, eighteen hundred and seventy-eight, there shall be paid by the Treasurer, out of said "Life and Health Insurance Fund," to the legal representative of said police officer, the sum of one thousand dollars.

Payment in case of Resignation.

In case any police officer shall resign, from bad health or bodily infirmity, there shall be paid to him from said fund the amount of the principal sum which he shall have contributed thereto.

Payment in case of dismissal for venial fault.

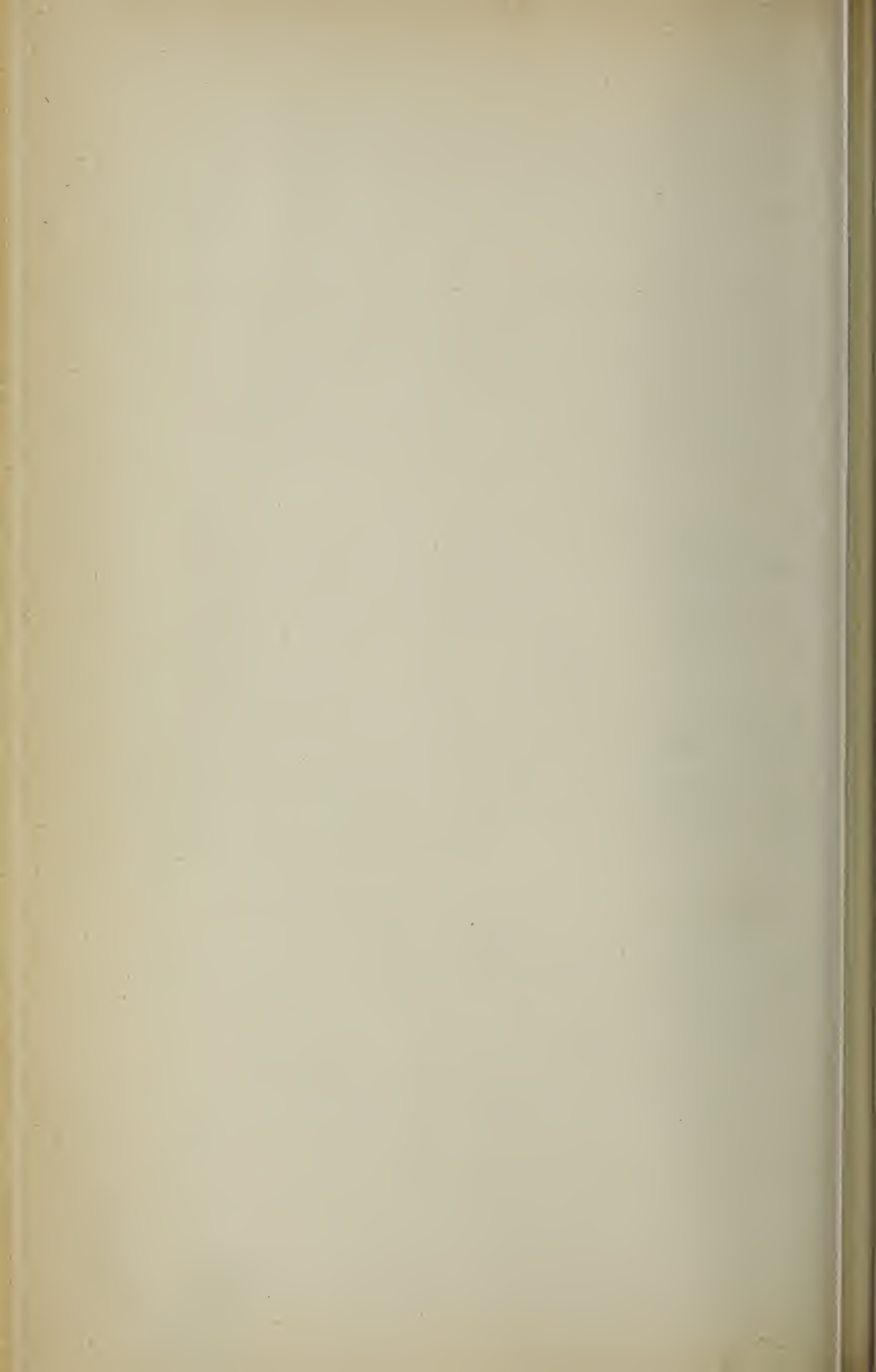
In case of dismissal of any police officer for mere incompetency not coupled with any offense against the laws of the State, such officer shall be paid from said fund such amount as the Board may award, not exceeding one-half of the sum he may have contributed to said fund.

Payment in case of dismissal for gross fault.

Any officer dismissed for gross neglect or violation of duty, or upon conviction of any misdemeanor or felony, shall forfeit all claim upon said fund.

Registration of Demands.

SEC. 12. In case such fund shall not be sufficient to pay the demand upon it, such demand shall be registered and paid



in the order of its registry out of the funds as received.

No Compensation allowed Members of Police Life and Health Insurance Board.

SEC. 13. The said Mayor, Auditor, and Treasurer shall receive no compensation for their services as members of said Board, nor shall the said Treasurer receive any compensation as Treasurer and custodian of said funds.

Appointment of Captain of Harbor Police.

SEC. 14. In addition to the Captains of Police now allowed by law, the Commissioners shall appoint one Captain, who shall be known as the Captain of the Harbor Police, and shall receive the same salary as other Captains of the Police.

Meetings of Board of Police Commissioners.

Clerk of Chief of Police shall serve as Clerk of Board.

SEC. 15. The Police Commissioners appointed under this Act shall hold their meetings in the office of the Chief of Police, or in such other convenient place as the Board of Supervisors shall designate, and the Clerk of the Chief of Police shall act as the Clerk of said Board of Commissioners.

SEC. 16. This act shall take effect immediately.

EXTRACT FROM THE "CONSOLIDATION ACT."

[Approved April 19, 1856, page 145.]

PUBLIC ORDER AND POLICE.

Chief of Police shall direct Police Department.

SEC. 15. The Department of Police of said City and County shall be under the direction of the Chief of Police, in subjection to the laws of this State, and the rules and regula-

tions, not in conflict therewith, which may be established by competent authority, under the powers granted in this Act.

Powers and duties of Chief.

Citizens shall aid when required.

In the suppression of any riot, public tumult, disturbances of the public peace or organized resistance against the laws, or public authorities in the lawful exercise of their functions, he shall have all the powers that now are, or hereafter may be, conferred upon Sheriffs by the laws of this State, and his lawful orders shall be promptly executed by all Police Officers, Watchmen and Constables in the said City and County ; and every citizen shall also lend him aid, when required, for the arrest of offenders and maintenance of public order.

Chief of Police shall keep public office, etc.

SEC. 16. The Chief of Police shall keep a public office, which shall be open, and at which he, or in case of his necessary absence, a Captain of Police, or Police Officer, by him designated for that purpose, shall be in attendance, at all hours, day and night.

In case of his necessary absence from his office it shall be made known to the Police Officer in attendance where he can be found, if needed, and he shall not absent himself from the City and County without urgent necessity, and leave obtained, in writing, from the President of the Board of Supervisors, Police Judge and County Judge, or two of them, who shall, at the time of granting the same, appoint a person to act during his absence, with all his powers, duties and obligations.

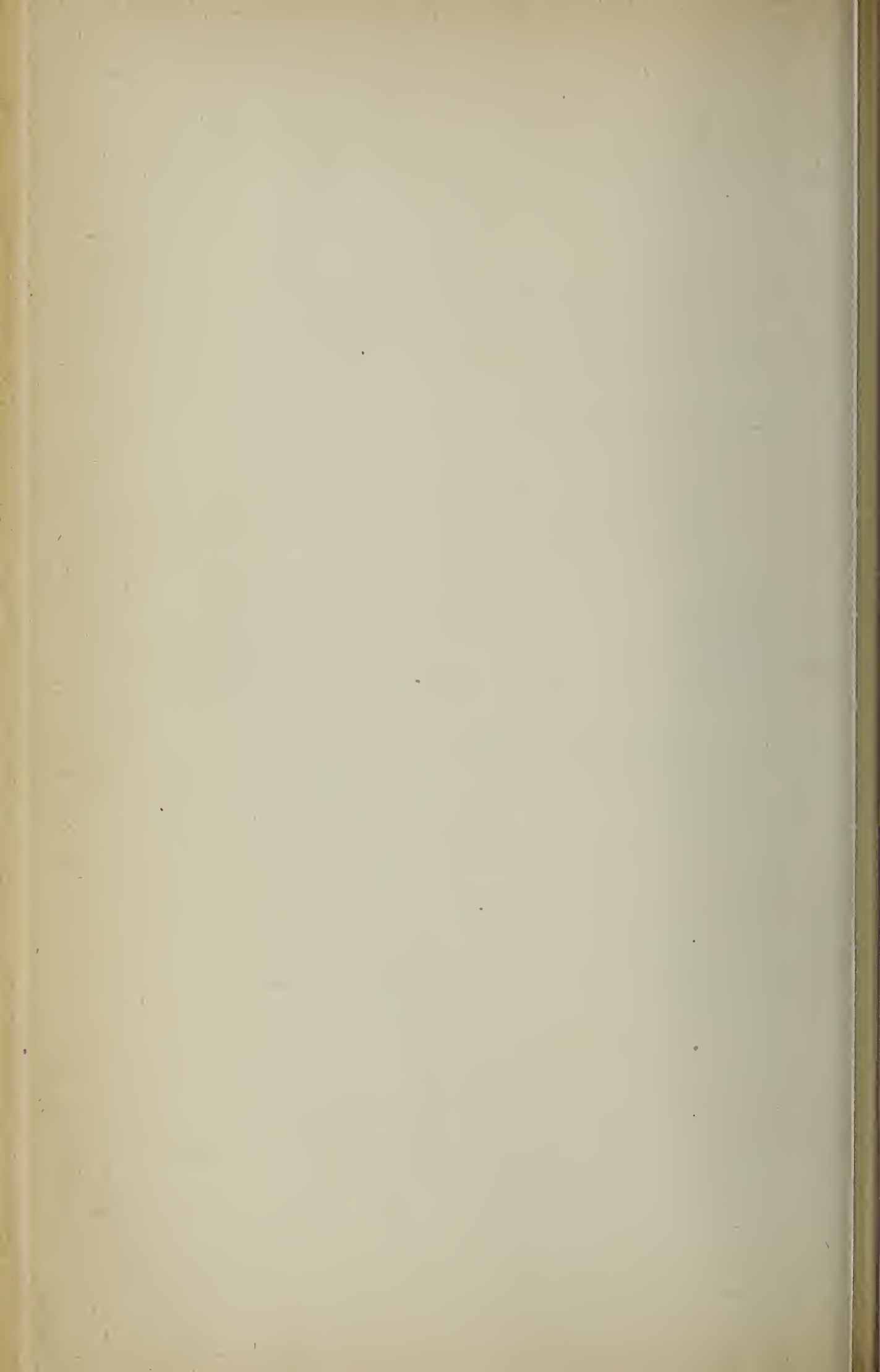
If such absence from the City and County be on any other than business immediately connected with his office, he shall lose his salary for the time of such absence, of which account shall be taken by the Police Judge.

Chief of Police shall detail Officers for Police Judge's Court.

Order arrests made in certain cases.

Supervise the police force, and exercise his powers as head of Police.

SEC. 17. The Chief of Police shall designate one or



more out of the number of Police Officers to attend constantly upon the Police Judge's Court, to execute the orders and process of the said Court.

Chief may order arrests.

He may order to be arrested and to be taken before the Police Judge, any person guilty of a breach of the peace or a violation of the general regulations established by the Board of Supervisors under the authority granted in this Act.

Chief shall supervise and direct the Police force, etc.

He shall supervise and direct the Police force of said City and County, and shall observe and cause to be observed the provisions of this Act, and the regulations established by the Board of Supervisors in relation thereto.

He shall see that the lawful orders and process issued by the Police Judge's Court are promptly executed.

And shall exercise such other powers connected with his office, as head of Police, as may be prescribed in the general regulations adopted by the Board of Supervisors.

Chief of Police shall be acquainted with law relating to crime and criminal proceedings.

Keep certain law books, and give advice concerning same.

SEC. 18. The Chief of Police shall acquaint himself with all the statutes and laws in force in this State defining public offenses and nuisances, and regulating criminal proceedings, and shall procure and keep in his office the Statutes of this State and of the United States, and all necessary elementary works on that subject.

Chief shall give information and advice.

He shall give information and advice touching said laws, gratuitously, to all Police Officers and Magistrates asking it.

SEC. 19. RELATES TO CLERK OF POLICE JUDGE'S COURT.

Proceedings in Police Judge's Court.

SEC. 20. Proceedings in the Police Judge's Court shall be conducted in conformity with the laws regulating proceedings in the Recorders' Courts. *The said Court shall be open daily, Sundays excepted. * * * * *

*NOTE.—See Sec. 1426 to 1461 inclusive, Penal Code.

Duties of Clerk of Police Court.

SEC. 21.* The Clerk of the Police Judge's Court shall keep a record of its proceedings, issue all process ordered by said Court, receive and pay weekly into the treasury of the City and County all fines imposed by said Court, and render to the County Auditor, monthly, and before any amount can be paid him on account of salary, an exact and detailed account, upon oath, accompanied with an exhibition of said record, of all fines imposed and moneys collected since his last account rendered.

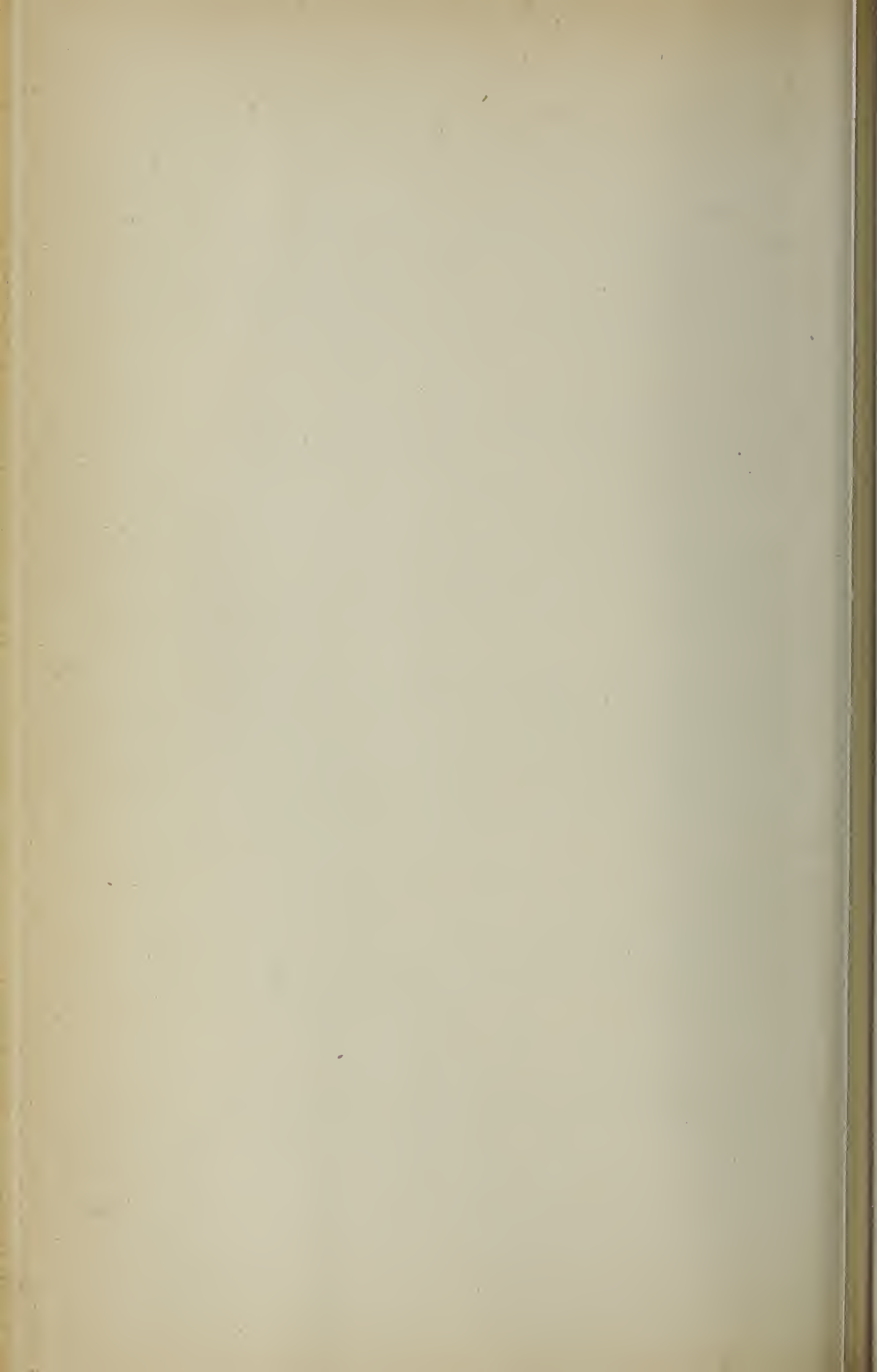
He shall prepare bonds, justify and except bail, when the amount has been fixed by the Police Judge, in cases not exceeding one thousand dollars, and he shall fix, justify and accept bail, after arrest, in the absence of the Police Judge, in all cases not amounting to a felony, in the same manner and to the same effect as though the same had been fixed by the Police Judge.

The said Clerk shall remain at the court-room of said court, in the City Hall, during the hours (9 A. M., to 4 P. M.,) named in section eight of the Act of which this is amendatory, and during such reasonable hours thereafter as may be necessary for the purpose of discharging his said duties.

*As amended, May 18, 1861, 544.

Disposition of fines. Public Works, etc.

SEC. 22. All fines imposed by the Police Judge's Court, Court of Sessions (County Court) of said City and County, or



any Justice's Court, shall be paid into the treasury thereof, as part of the Police Fund.

Imprisonment.

In cases where, for any offense, the said Courts are authorized to impose a fine or imprisonment in the county jail, or both, they may, instead thereof, sentence the offender to be employed in labor upon the public works of said City and County, for a period of time equal to the term of imprisonment which might be legally imposed, and may, in case of imposing a fine, embrace as a part of the sentence, that in default of payment of such fine, the offender shall be employed to labor on said public works, at one dollar a day till the fine imposed is satisfied.

Public Works defined.

By the public works, as used in this Act, is understood the construction, or repair or cleaning, of any street, road, dock, wharf, public square, park, building, or other works whatsoever, which is authorized to be done by and for the use of the said City and County, and the expense of which is not to be borne exclusively by the individuals or property particularly benefitted thereby.

Appointment of Police Captains and Officers.

SEC. 23. The Chief of Police, in conjunction with the President of the Board of Supervisors and the Police Judge, the concurrence of two of them being necessary to a choice, shall appoint four Captains of Police, each from a different district, and as many Police Officers, not exceeding four hundred [Amendment, April 1, 1878], as the Board of Supervisors shall determine to be necessary.

Apportionment.

Thereof an equal number in proportion to population, as near as may be, shall be selected from each district that shall

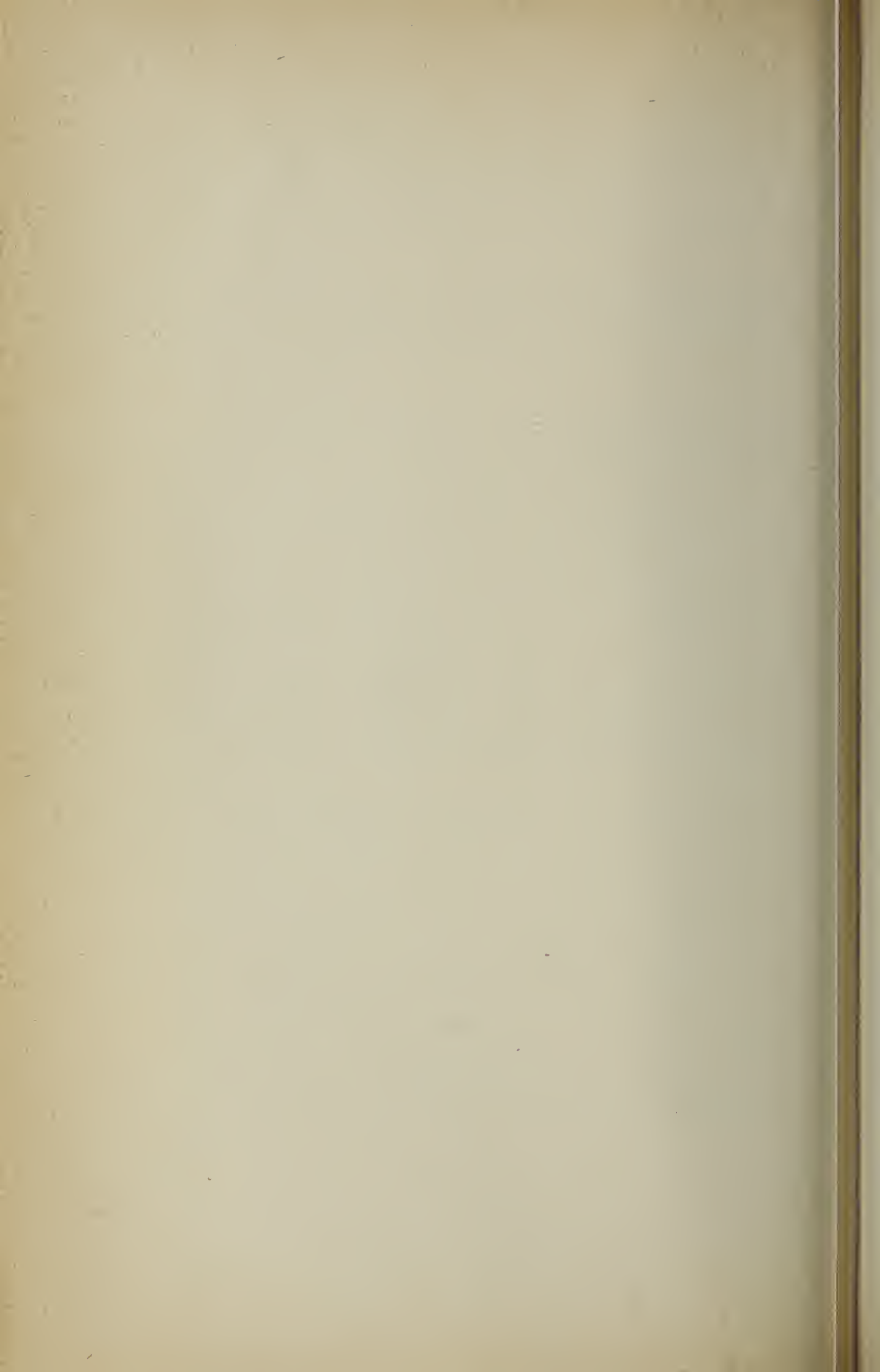
be situated, wholly or partly, within the limits specified in section second of the Act now repealed, entitled "An Act to re-incorporate the City of San Francisco," passed May sixth fifth], one thousand eight hundred and fifty-five.

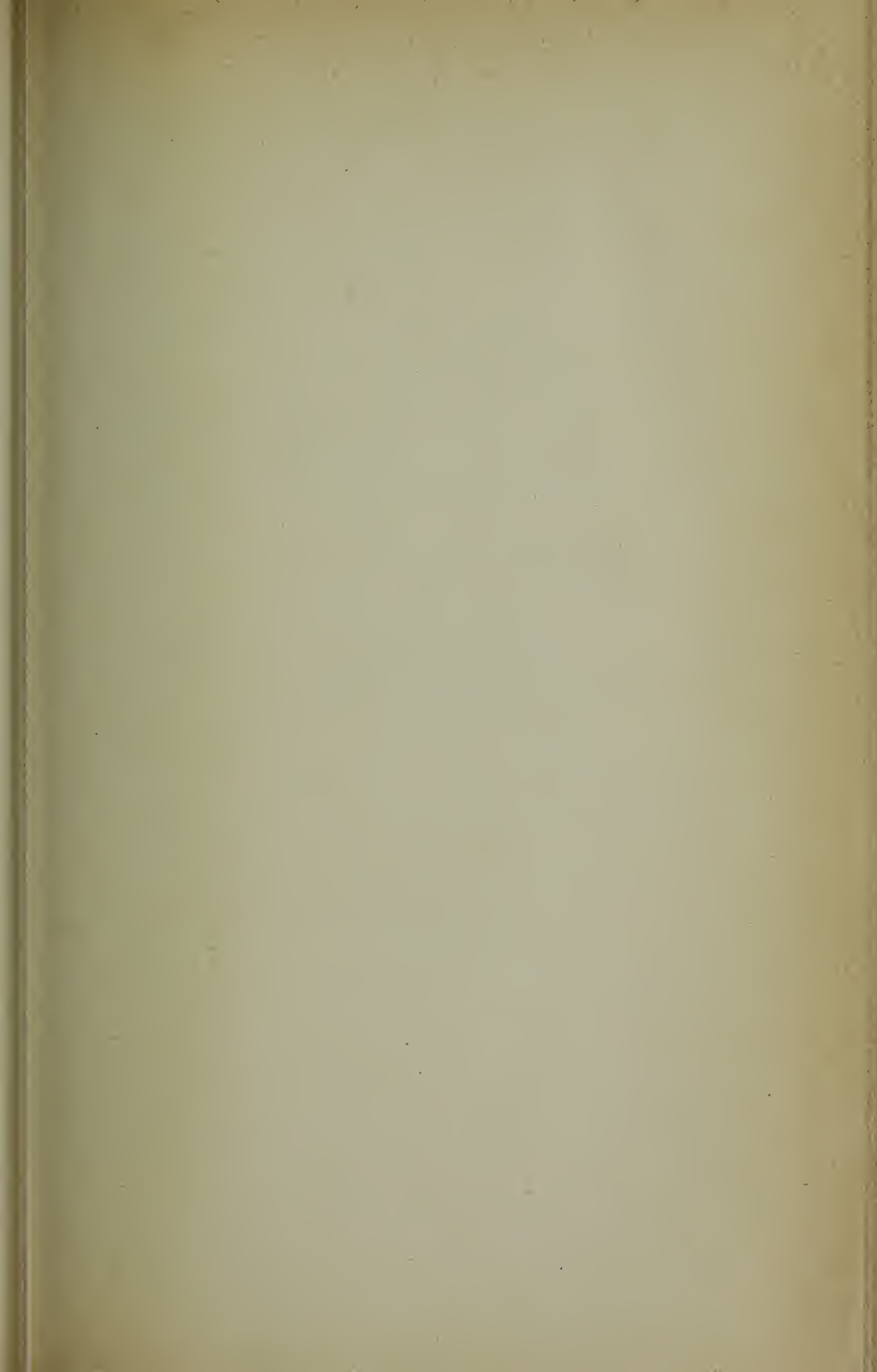
NOTE.—For the purpose of this section the Act of May 6, 1855, is obsolete.

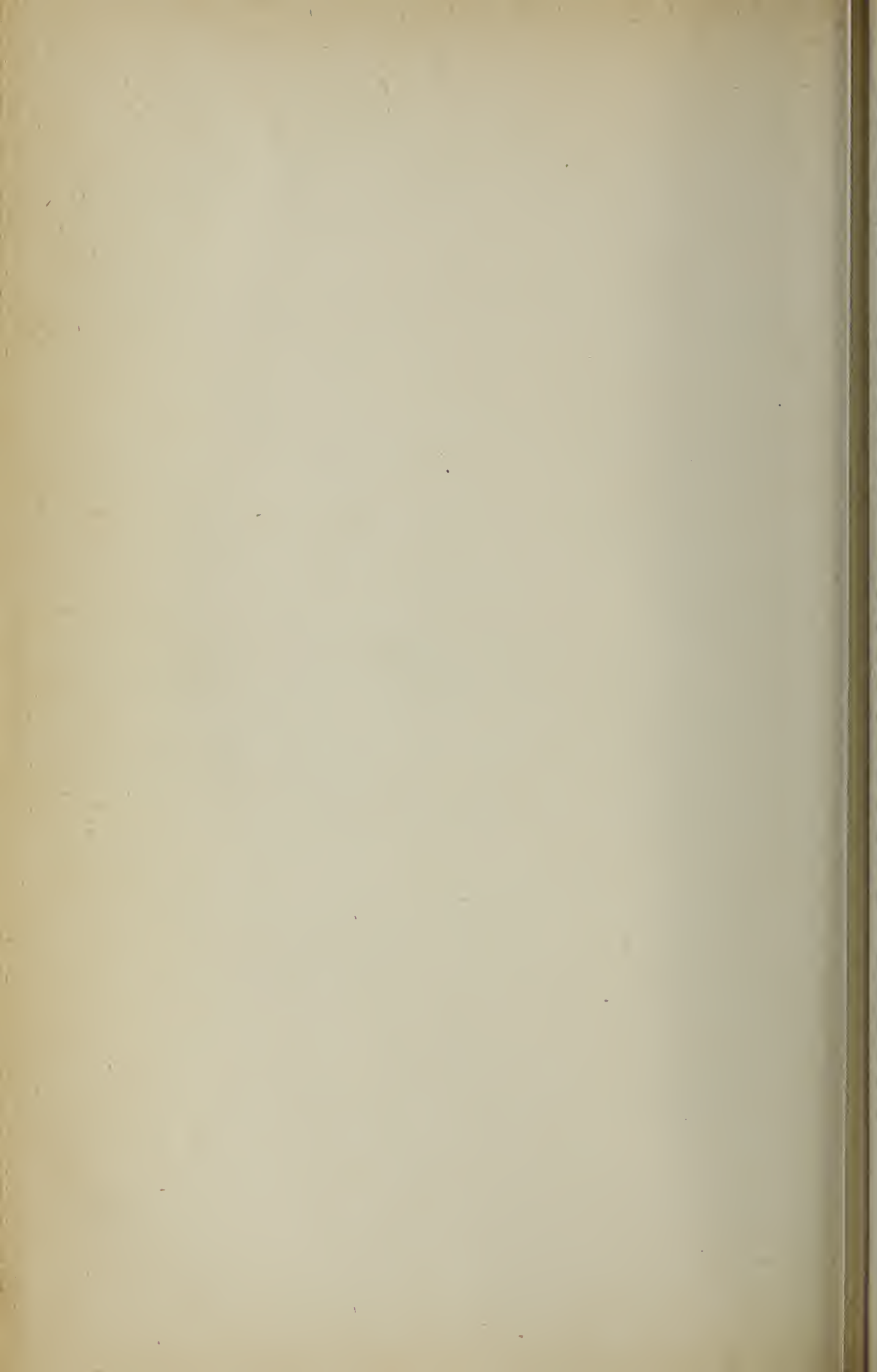
The latest Act apportioning population is that approved March 16, 1874, (page 366) which defines the Senatorial and Assembly Districts within the City and County of San Francisco, as follows:

NINTH DISTRICT.—Commencing at a point where the southerly line of the U. S. Military Reservation, known as the Presidio Reservation, intersects with the waters of the Pacific Ocean, thence meandering along the waters of said Ocean and the waters of the Bay of San Francisco northerly, easterly and southerly to the point where Washington street intersects with said Bay; thence westerly along said Washington street to its intersection with First avenue; thence northerly along said avenue to its intersection with the southerly boundary line of the said Presidio Reservation; thence westerly along the southerly boundary line of said Presidio Reservation to its intersection with the Pacific Ocean and the point of beginning.

TENTH DISTRICT.—Commencing at a point where the southerly boundary line of the Presidio Reservation intersects with the waters of the Pacific Ocean; thence easterly and along the southerly boundary line of said Presidio Reservation to the point where First avenue intersects with said boundary line; thence southerly, along said First avenue, to the point where Washington street intersects with said First avenue; thence easterly along said Washington street to its intersection with the waters of the Bay of San Francisco; thence southerly, along the line of said Bay, to the point of intersection of Market street with said Bay; thence westerly, along said Market







street, to the point where Geary street intersects with said Market street; thence westerly, along said Geary street, to where it connects with the Point Lobos Toll Road; thence along said Point Lobos Toll Road, and said toll road produced in a direct line to the Pacific Ocean; thence northerly, along said Ocean to the point of beginning.

ELEVENTH DISTRICT.—Commencing at a point on the line of Market street where Fourth street intersects with said Market street; thence easterly and along said Market street to the waters of the Bay of San Francisco; thence southerly and southwesterly along the line of the waters of said Bay to a point where Fourth street intersects with said Bay; thence northerly, along the line of said Fourth street, to the point of beginning.

TWELFTH DISTRICT.—Commencing at the intersection of Larkin and Geary streets, and running thence easterly along said Geary street to its intersection with Market street; thence southwesterly along the line of said Market street to the point of intersection of Fourth street with said Market street; thence southerly along said Fourth street to the point of its intersection with Channel street; thence southwesterly along said Channel street to the point of its intersection with Eighth street; thence northerly along said Eighth street to the point of its intersection with Market street; thence southwesterly along said Market street to the point of the intersection of Larkin street with said Market street; thence northerly along said Larkin street to the point of beginning.

THIRTEENTH DISTRICT.—Commencing at a point where the Point Lobos Toll Road, produced in a direct line westerly, intersects with the waters of the Pacific Ocean, and running thence easterly along said Point Lobos Toll Road to the point of its connection with Geary street; thence along said Geary street easterly to its intersection with Larkin street; thence southerly along said Larkin street to the point of its intersec-

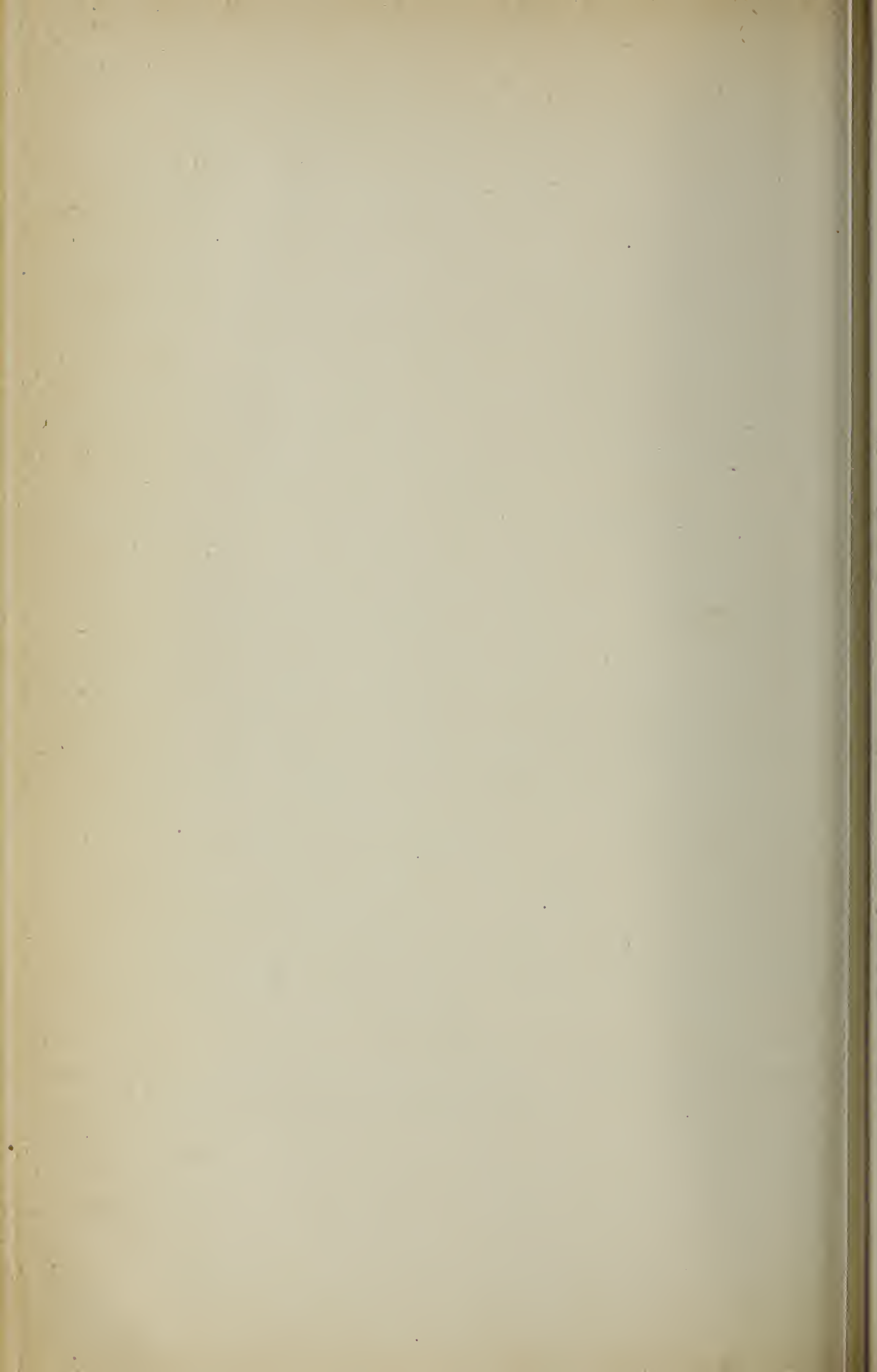
tion with Market street; thence northeasterly along said Market street to the point where Eighth street intersects with said Market street; thence southeasterly along said Eighth street to its intersection with Channel street; thence northeasterly along said Channel street to the point of its intersection with Fourth street; thence southeasterly along said Fourth street to the point of its intersection with the Bay of San Francisco; thence southerly along the line of the waters of said Bay to the point of intersection of the boundary line between the City and County of San Francisco, and the County of San Mateo, with the waters of said Bay; thence westerly along said boundary line to the point of its intersection with the Pacific Ocean; thence northerly along the line of said Ocean to the point of beginning.

Qualification of Police Captains and Officers.

SEC. 24. No person can be appointed Captain of Police or Police Officer, unless he be a citizen of the United States and of this State, and a resident and qualified voter of the City and County; and in case of each Police Officer, a resident of the district from which he is chosen, and also, before his appointment, shall produce to the said President of the Board of Supervisors, Chief of Police, and Police Judge, a certificate signed by at least twelve free-holders and qualified voters of the said City and County, who, in case of application for appointment of a Police Officer, must also be residents of the district from which he is to be appointed, stating that they have been personally and well acquainted with the applicant for one year or more next preceding the application, and that he is of good repute for honesty and sobriety, and they believe him to be, in all respects, competent and fit for the office.

Petitions must be preserved.

All the certificates so produced shall be carefully preserved in the office of Chief of Police.



Police Captains and Officers may be suspended or removed from office in certain cases under general regulations of the Board of Supervisors.

Salary of Officers.

Salary of Chief.

Salary of Property Clerk.

Increase of salary of Police Captains and Officers.

Harbor Police.

Appointment of Local Police Officers.

Increase of Police force to 150 members.

Appointment and salary of Clerk of Chief of Police.

Salary of Captain of Harbor Police.

Police prohibited from interfering in politics.

Removal of Police Officers for political or partisan causes, reasons or purposes prohibited.

SEC. 25. Police Captains and Officers may be suspended from office by the Chief of Police, and with the concurrence of the President of the Board of Supervisors and Police Judge, removed from office, for :

Official negligence;

Inefficiency, or

Misconduct,

Under such general rules and regulations, not contrary to law, as may have been established by the Board of Supervisors.

Salary of Old Police.

They shall receive from the treasury of said City and County, payable out of the Police Fund, such compensation as may be fixed by the Board of Supervisors, not exceeding one thousand eight hundred dollars a year, each, for Captains, and one thousand two hundred dollars a year, each, for Police Officers.

NOTE.—Attention is called to subsequent legislation quoted in Notes A, B, C, D and E.

NOTE A.—Extract from “ An Act to fix and regulate fees

and salaries of Officers in the City and County of San Francisco.
—Approved May 17, 1861, 554.

Salaries of Police Department. Property Clerk.

SEC. 1. Salaries shall be allowed and paid to the following Officers of this City and County of San Francisco, as in this Act provided, and not otherwise, and shall be in full compensation for all official services required of them by law.

* * * * *

POLICE DEPARTMENT.

To the Chief of Police, \$4,000 per annum.

To four Captains of Police, \$125 per month each.

To Policemen, not exceeding forty, the number to be determined from time to time by the Board of Supervisors, \$100 per month each.

Provided, that one of the same detailed for Clerk in the office of the Chief of Police, to be appointed by him, shall receive \$125 per month.

NOTE B.—Extract from “An Act to confer additional powers upon the Board of Supervisors, etc.” Approved April 4, 1863, 168.

Increase of Salary of Police Property Clerk.

The Board of Supervisors of the City and County of San Francisco are hereby authorized, etc. * *

16th. To increase the salary of each member of the Police force of said City and County \$25 per month, and to diminish the same again, at pleasure, to the present salary of said Police force, etc.

NOTE C.—Extract from “An Act to confer additional powers on the Board of Supervisors, etc.” Approved April 4, 1864; 502.

SEC. 1. The Board of Supervisors are hereby authorized, etc. * * * * *

Increase of Police Force. Harbor Police.

11th. To increase the Police force of said City and

County, as from time to time may be deemed necessary by the said Board of Supervisors, to not exceeding one hundred members, including the number now allowed by law, a portion of which increase may constitute a Harbor Police in and for said City and County, etc.

Local Police.

12th. To authorize and impower the Police Commissioners of said City and County to appoint and regulate local Policeman, whenever, in their judgment, the necessities of said City and County require it; provided, that no money shall be paid out of the Treasury of the said City and County to said local Policemen.

See section 23, chapter 3, order No. 697, as amended by order No. 1196, page 38 post. Also section 3, Act of April 1, 1878, page 6 ante.

NOTE D.—“An Act to increase and regulate the Police force of the City and County of San Francisco.” Approved March 23, 1872, 512.

Increase of the Police Force to one hundred and fifty Members.

Salaries Clerk of Chief of Police.

Captain of Harbor Police.

SEC. 1. The Board of Supervisors of the City and County of San Francisco shall have power to increase the Police force of the said City and County, as from time to time may be deemed necessary by said Board of Supervisors, to not exceeding one hundred and fifty members, including the number now allowed by law, to be appointed by the Police Commissioners, as now provided by law.

The salaries of the additional officers hereby authorized shall be of the same amount, not exceeding one hundred and twenty-five dollars per month, and shall be paid in the same manner and at the same time as other members of the said Police force are now or shall hereafter be paid.

The Chief of Police of said City and County may detail a regular Police officer to act as his Clerk, who shall receive the same salary as the Property Clerk of the Police Department.

The Captain of the Harbor Police shall receive the same salary as is now or may hereafter be paid to Police Captains.

Policemen must not interfere in politics, nor be removed from office for political or partisan causes, reasons, or purposes.

SEC. 2. No member of the Police force of the City and County of San Francisco shall be allowed to interfere in politics on the day of election, or at any other time, while employed on said Police force; nor shall be removed from office for political or partisan causes, reasons or purposes.

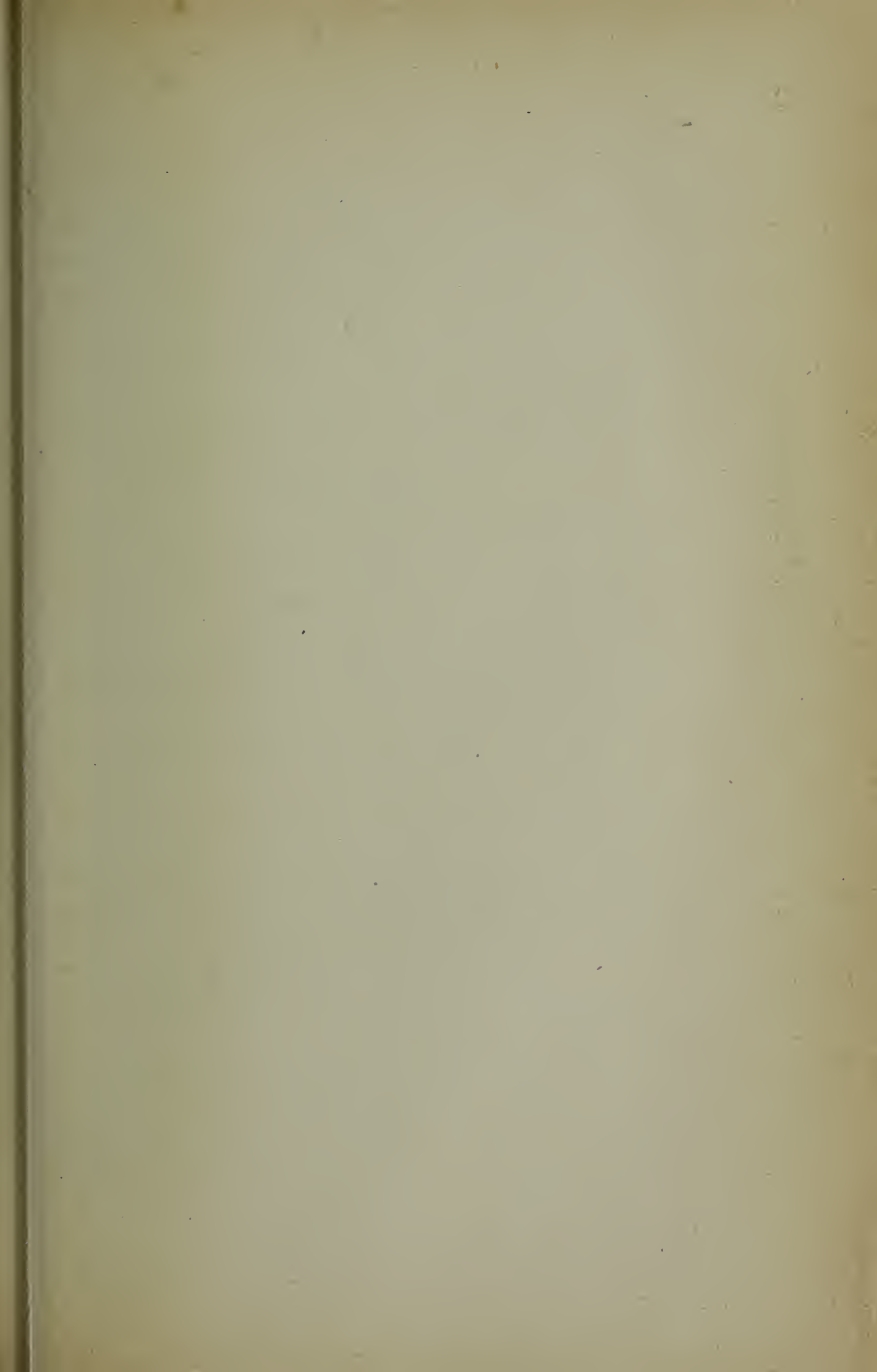
NOTE.—For further prohibition of political power influence or control, see section 7, Act of April 1, 1878, page 11 ante.

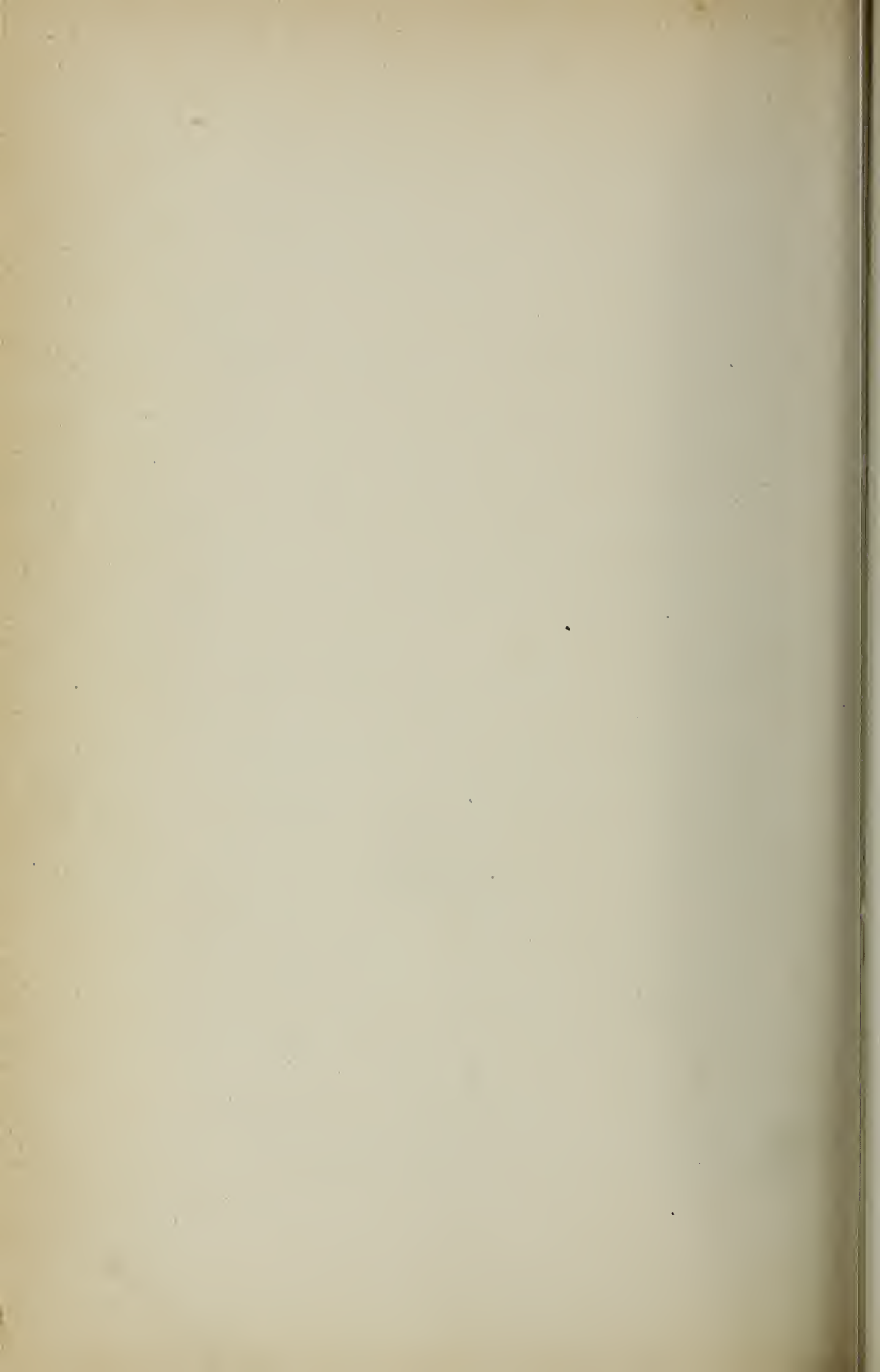
NOTE E.—See sections 1 and 2 of Act of April 1, 1878, page 5 ante.

Officers shall not become bail for Prisoners, or without written consent of Police Commissioners receive rewards.

Officers shall be prompt and vigilant in detection of crime and arrest of offenders, etc.

SEC. 26. *Neither the Chief of Police, Captains or any officer of Police, shall follow any other profession or calling, become bail for any person charged with any offense whatever, receive any present or reward for official services rendered, or to be rendered, unless with the knowledge and approbation of a majority of the Police Commissioners, to wit: the Police Judge, President of the Board of Supervisors, and Chief of Police of the City and County of San Francisco—such approbation to be given in writing; nor be allowed pay for any period during which they shall absent themselves from public duty, unless such absence necessarily result from indisposi-





tion or disability occasioned by injuries suffered while in the discharge of official duty.

Duties of Police.

Police Officers in subjection to the orders of the respective Captains, and all under the general direction of the Chief of Police, shall be prompt and vigilant in the detection of crime, the arrest of public offenders, the suppression of all riots, frays, duels and disturbances of the public peace, the execution of process from the Police Judge's Court, in causing the abatement of public nuisances, the removal of unlawful obstructions from the public streets, and the enforcement of the laws and regulations of Police.

*As amended March 24, 1859, 131.

Chief of Police may appoint Special Officers for twenty-four hours in case of emergency, or public danger.

Uniform and badge of office to be worn by Police.

SEC. 27. In case of great public emergency or danger, the Chief of Police may appoint an additional number of Policemen, of approved character for honesty and sobriety, who shall have the same powers as other Police Officers for twenty-four hours only, but without pay.

Uniform.

The Chief of Police, Captains, and every officer of the permanent force, shall provide themselves with a uniform and badge of office, to be prescribed by regulations of the Board of Supervisors, which shall be worn by them upon all occasions, with such exceptions as may be permitted by the Chief of Police in the performance of detective duty.

Charge of oppression or official misconduct when presented by a citizen and verified on oath, against any Police Captain or Officer, shall be received, considered and determined by Police Commissioners.

Removal of Chief of Police, etc.

SEC. 28. Charges of oppression or official misconduct,

when presented by any citizen of the said City and County, against any Police Captain or Officer, and verified on oath, setting forth the specific acts complained of, shall be received and attentively considered and determined by the Police Judge, President of the Board of Supervisors, and Chief of Police, giving to the accused due notice, and an impartial hearing in defense.

The Chief of Police, Police Judge, and all other officers now acting or hereafter to be elected or appointed under the provisions of this Act, may be accused, tried, and removed from office in the mode prescribed by the laws of this State for the removal of civil officers otherwise than by impeachment.

The Board of Supervisors shall establish Police Stations, designate Prisons, Etc.

SEC. 29. The Board of Supervisors shall, from time to time, establish a convenient number of Police Stations ; determine within what districts the Police Officers and Captains shall usually be distributed and employed ; designate the prisons to be used for the reception of all persons arrested, or convicted and sentenced for public offenses, in cases not provided for by law ; [and] appoint, during the pleasure of the Board, the keeper of such prisons.

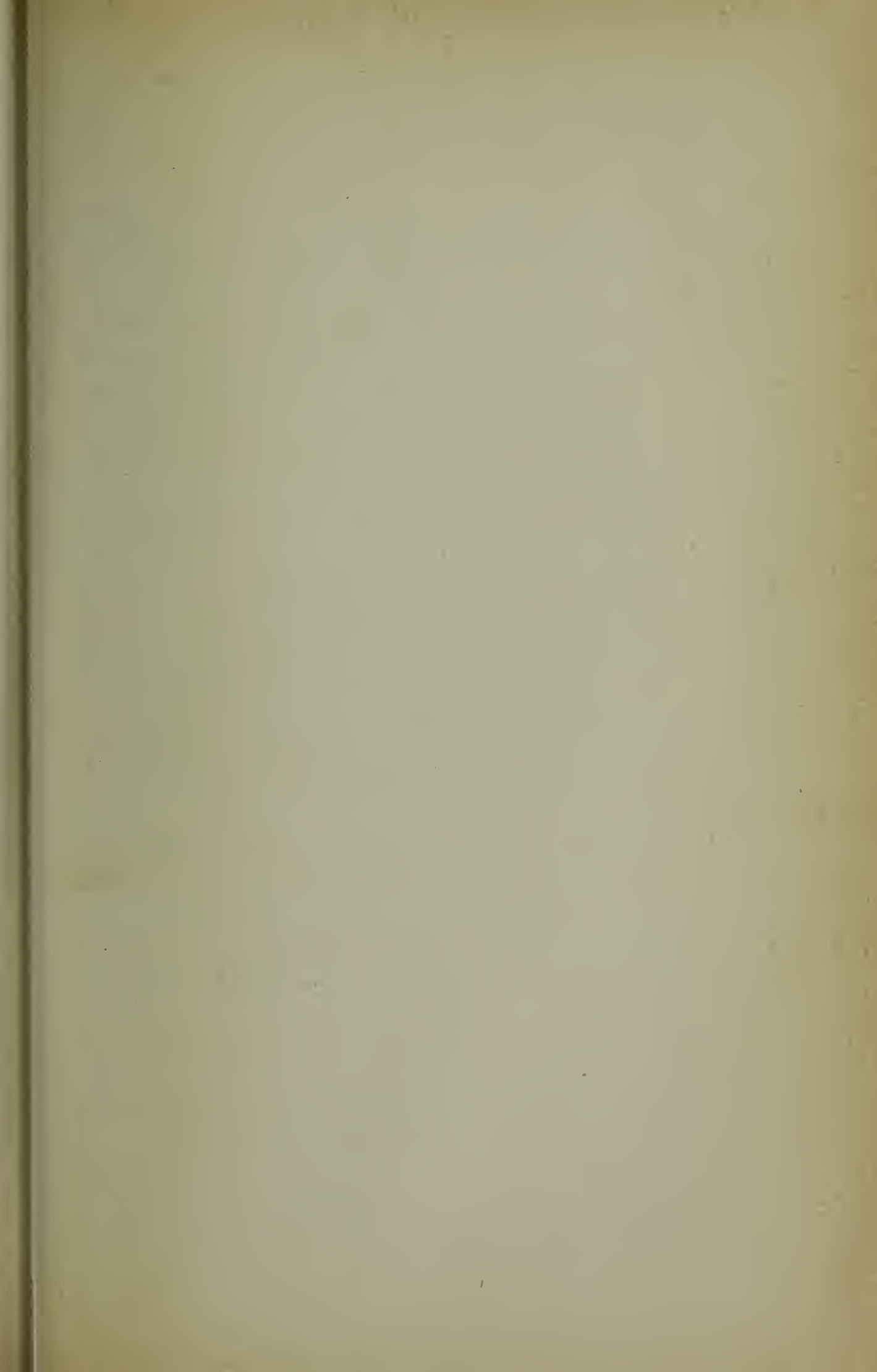
EXTRACT FROM AN ACT TO CONFER FURTHER POWERS UPON
THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY
OF SAN FRANCISCO.

[Approved April 25, 1863, 540.]

Power of Board of Supervisors to regulate Police.

The Board of Supervisors shall have power by regulation or order :

First. To regulate the police and police force of said City and County, and to prescribe their powers and duties.



EXTRACT FROM AN ACT TO FACILITATE AND INCREASE THE
COLLECTION OF STATE AND COUNTY AND MUNICIPAL
LICENSES IN THE CITY AND COUNTY OF SAN FRANCISCO.

[Approved March 30, 1872, Stat. 1871-2, page 736.]

Police Commissioners empowered to revoke licenses.

SEC. 5. The Police Commissioners of the City and County of San Francisco are hereby authorized and empowered to revoke any licenses provided to be collected under the provisions of this Act upon the conviction in the Police Judge's Court of any person of disorderly or improper conduct, or any offense upon the premises of any person holding a license, or upon the conviction of the person holding said license of any offense which, in the judgment of said Commissioners, ought to disqualify such person from holding such license.

EXTRACT FROM AN ACT TO FACILITATE AND EQUALIZE THE
COLLECTION OF LICENSES IN THE CITY AND COUNTY OF
SAN FRANCISCO. APPROVED MARCH 23, 1878.

Applicants for liquor licenses shall obtain written consent of Police Commissioners.

RETAIL LIQUOR DEALERS.

Amount.

FIRST CLASS.—All sales over \$15,000....Per Quarter, \$41 00
SECOND CLASS.—All sales under \$15,000... “ “ 21 00

SEC. 5. Provided: That on and after January 1st, 1879, no license as a retail liquor dealer shall be issued by the Collector of Licenses unless the person desiring the same shall have obtained the written consent of a majority of the Board of Police Commissioners of the City and County of San Francisco to carry on or conduct said business, but in case of refusal of such consent, upon application, said Board of Police Commissioners shall grant the same upon the written

recommendation of not less than twelve citizens of San Francisco, owning real estate in the block or square in which said business of retail liquor dealer is to be carried on, or in the four blocks or squares bounding the same.

Sellers of cider, soda water, etc., subject to same rule.

SEC. 6. Every person who sells cider, sarsaparilla, ginger pop, or soda or mineral water, except from a fountain, in quantities of less than one quart, shall, in addition to the license required to be paid, be subject to the same conditions and provisions contained in the preceding section.

Penalty.

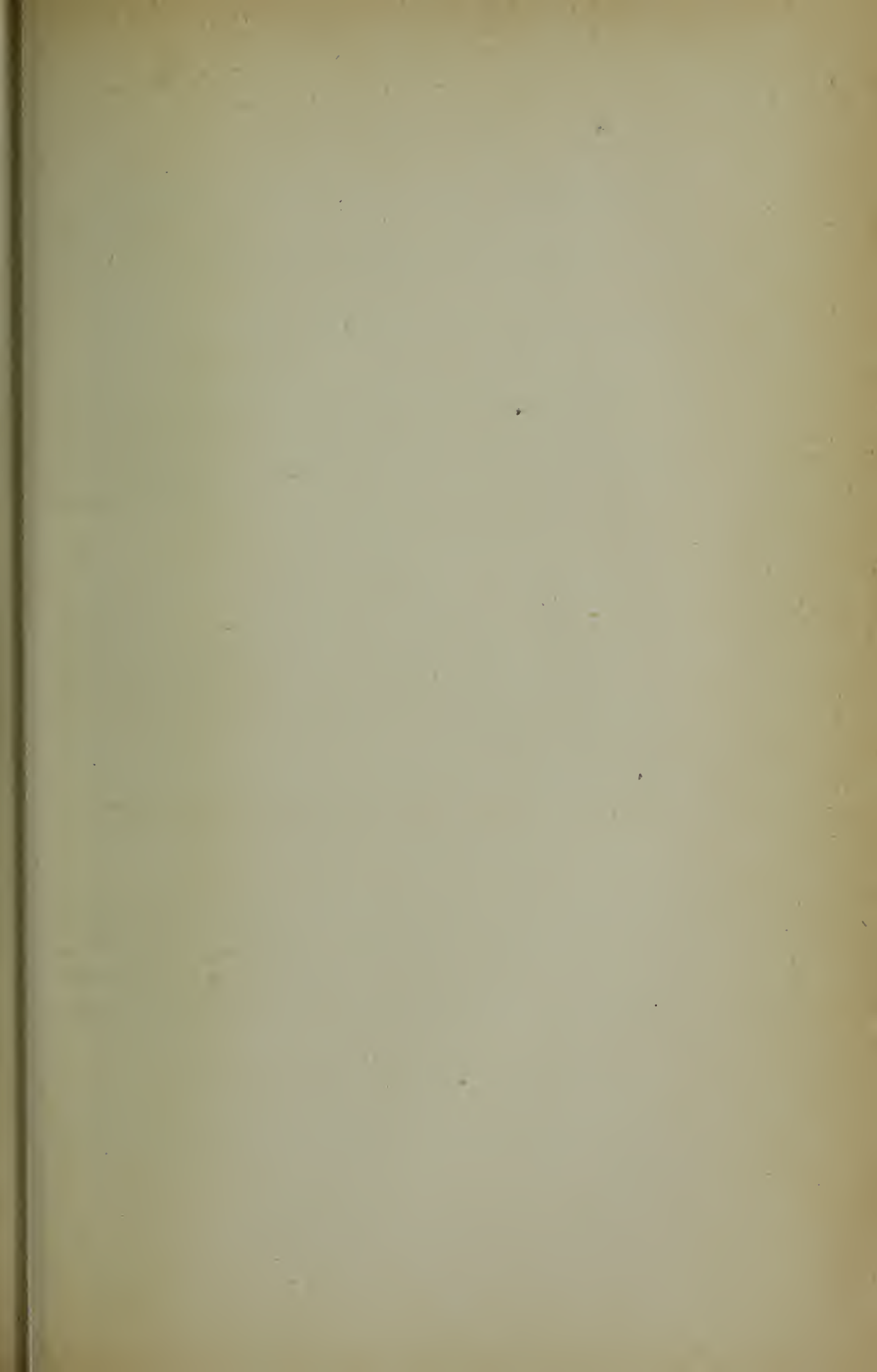
SEC. 7. Every person violating any of the provisions of Sections 5 or 6 of this Act, or falsely representing himself as being a citizen of San Francisco, and owning real estate in the blocks or squares therein specified, shall be guilty of a misdemeanor.

EXTRACT FROM THE "CONSOLIDATION ACT."

Power of Chief of Police to administer oaths.

SEC. 86. *The President of the Board of Supervisors, Auditor, Chief of Police, President of the Board of Education, and each Supervisor, shall have power to administer oaths and affirmations concerning any demand on the treasury, or otherwise relating to their official duties. * * *

*As amended April 18, 1857, page 209.



EVIDENCE.

EXTRACT FROM CODE OF CIVIL PROCEDURE.

ADMINISTRATION OF OATHS AND AFFIRMATIONS.

Judicial and Certain Officers authorized to administer Oaths.

SEC. 2093. Every Court, every Judge, or Clerk of any Court, every Justice, and every Notary Public, and every officer or person authorized to take testimony in any action or proceeding, or to decide upon evidence, has power to administer oaths or affirmations.

Form of ordinary Oath to a Witness.

SEC. 2094.* An oath, or affirmation, in an action or proceeding, may be administered as follows, the person who swears or affirms expressing his assent when addressed in the following form: "You do solemnly swear [or affirm, as the case may be,] that the evidence you shall give in this issue (or matter) pending between —— and ——, shall be the truth, the whole truth, and nothing but the truth, so help you God."

*As amended, March 24, 1874.

Form may be varied to suit Witness's belief.

SEC. 2095. Whenever the Court before which a person is offered as a witness is satisfied that he has a peculiar mode of swearing, connected with or in addition to the usual form of administration, which, in his opinion, is more solemn or obligatory, the Court may, in its discretion, adopt that mode.

Non-Christians may be sworn according to their religion.

SEC. 2096. When a person is sworn who believes in any other than the Christian religion, he may be sworn according

to the peculiar ceremonies of his religion, if there be any such.

Any person who prefers it may declare or affirm.

SEC. 2097. Any person who desires it may at his option, instead of taking an oath, make his solemn affirmation or declaration, by assenting, when addressed, in the following form : " You do solemnly affirm [or declare] that the evidence you shall give in this issue (or matter) pending between —— and —— shall be the truth, the whole truth, and nothing but the truth, so help you God."

EXTRACT FROM ORDER NO. 697 OF THE BOARD OF

SUPERVISORS, AS AMENDED DEC. 31, 1874,

BY ORDER 1196 OF SAID BOARD.

CHAPTER I.

RELATING TO THE POLICE DEPARTMENT.

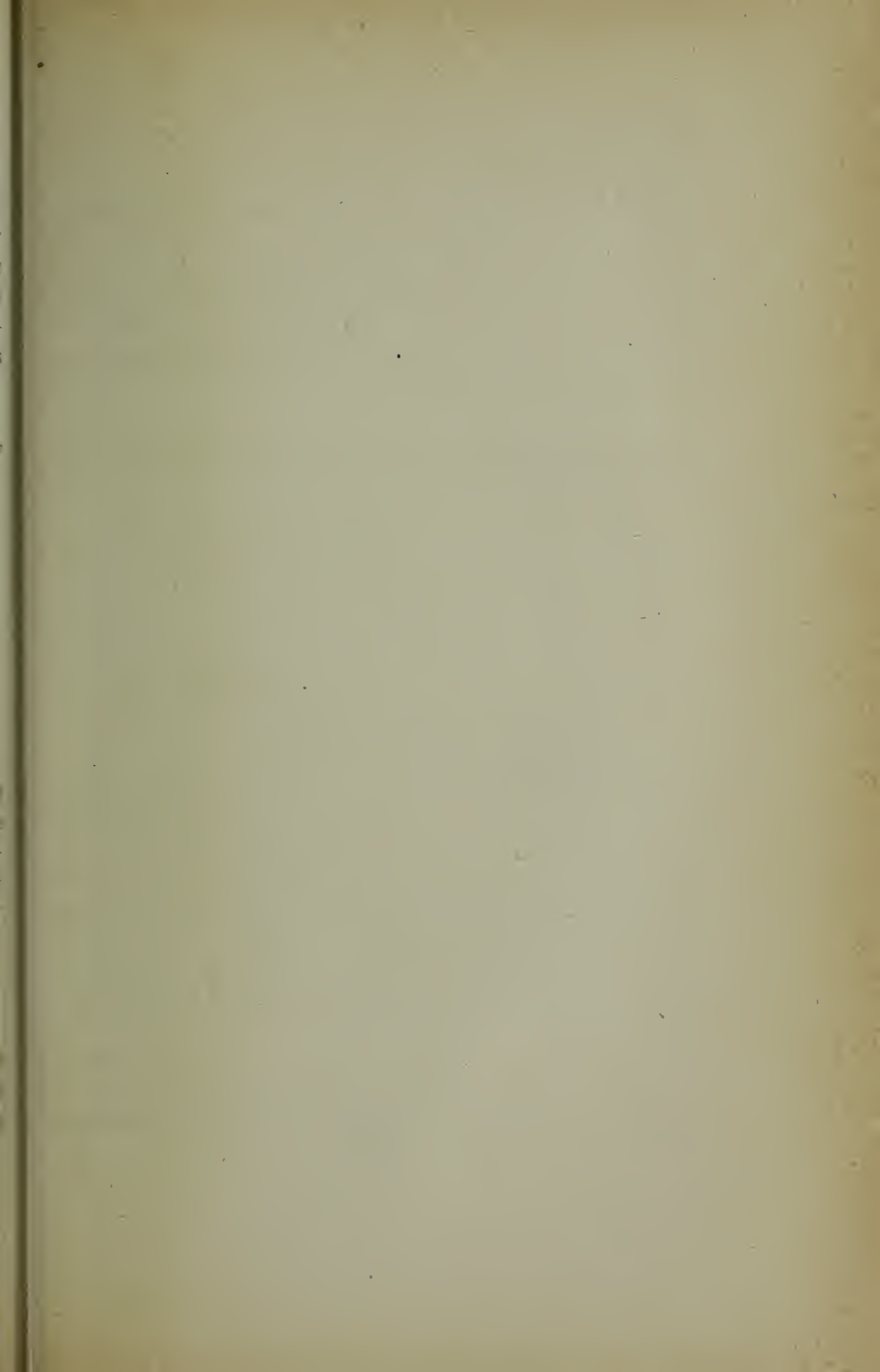
Permanent Police Force.

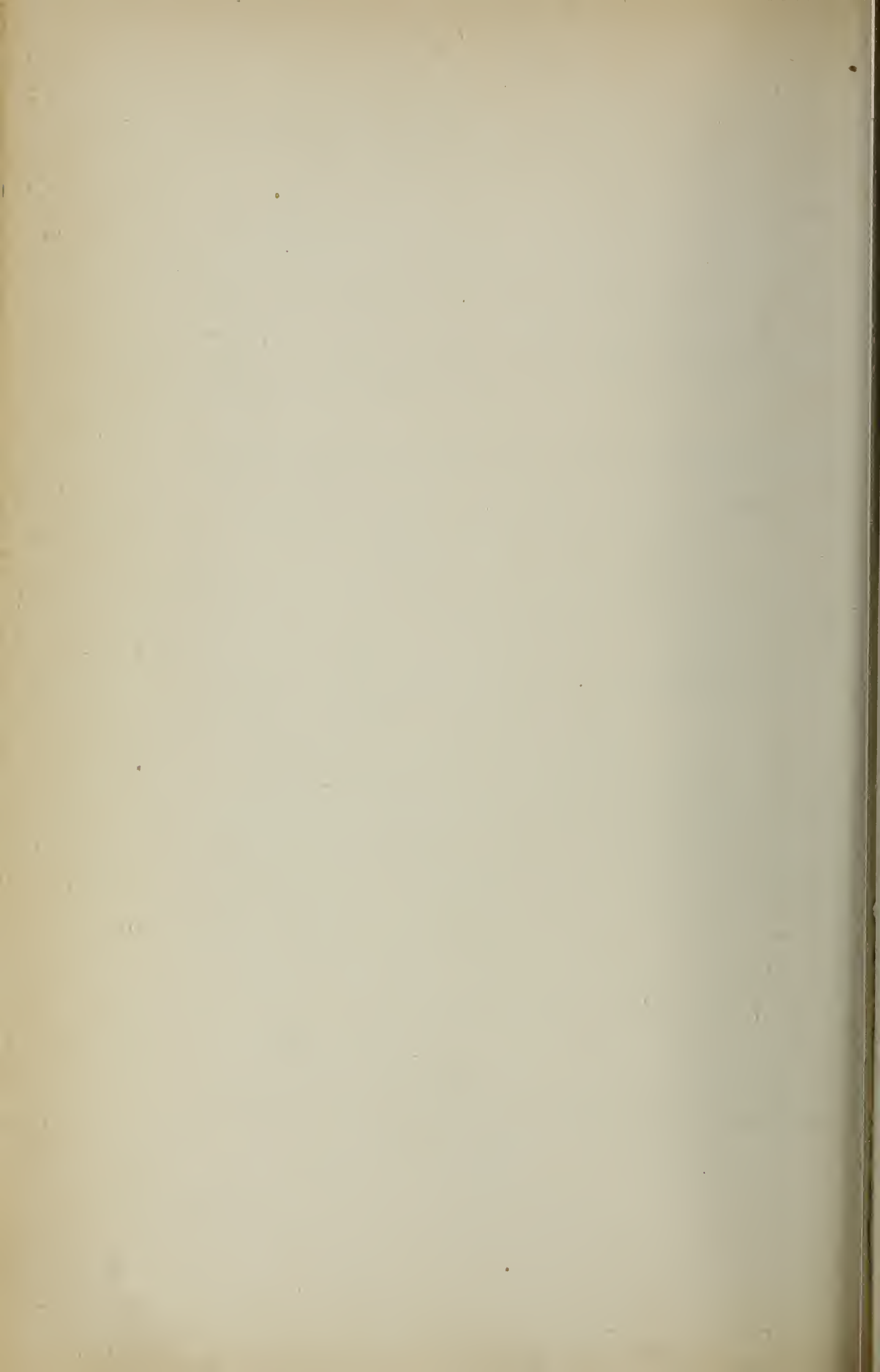
SECTION 1: The permanent Police Force shall consist of four Captains of Police, and one hundred and fifty Police Officers, whose compensation shall be : For Captains of Police, one hundred and fifty dollars per month; and for Police Officers, one hundred and twenty-five dollars per month, payable out of the General Fund.

NOTE.—See Resolution No. 12,160, N. S.

Resolution No 12,160—New Series.

Resolution No. 12,160 (N. S.)—Adopted in the Board of Supervisors April 8, 1878.—Resolved, That the Board of Police Commissioners appointed under and in pursuance of





an Act of the State Legislature, passed at its last session, are hereby authorized and empowered to appoint one hundred additional Police Officers—the same being necessary in the judgment of this Board for the protection of life and property.

Police Office and Police Stations.

SEC. 2. The Chief of Police shall keep his office in the City Hall.

There shall be one Police Station at the City Hall, provided with cells for the detention and safe-keeping of prisoners.

There shall be a Police Station at or near the corner of Davis and Pacific streets, for the use of the officers detailed for Harbor duty.

There shall also be a Police Station at or near each of the following places, namely:

Corner of Sixteenth and Folsom streets;

Fourth and Harrison streets ;

Tenth and Howard streets ;

Hayes and Laguna streets.

Register of Arrests and Entries, how made.

SEC. 3. The Chief of Police shall provide, and cause to be kept, at the Police Station in the City Hall, by the officer in charge, a Register of Arrests.

Upon such register there shall be entered, as soon as an arrest shall be reported, a statement, showing in a clear and distinct manner, the date and hour of such arrest, the name of the person arrested, the name of the officer making the arrest, the name of the complaining witness and his place of residence, the offense charged, and a description of any property found upon or in possession of the person arrested.

Transcript of Entries.

SEC. 4. The Chief of Police shall cause to be made out and delivered to the Police Judge, at or before nine o'clock in

the forenoon of every day, Sundays included, an exact transcript of all the entries made in the Register of Arrests since the last preceding report.

Such transcript shall be headed "Office Chief of Police—Daily Report," and shall be truly dated, and certified by the Chief of Police, or Captain in charge, to be correct.

Register in Police Office.

SEC. 5. The Chief of Police shall keep in his office, open to public inspection, and on a desk accessible to every citizen, a register, in which shall be transcribed every entry made in the Register of Arrests, within one hour after such entry shall have been made.

Book for Entry of Nuisances and Violation of Orders.

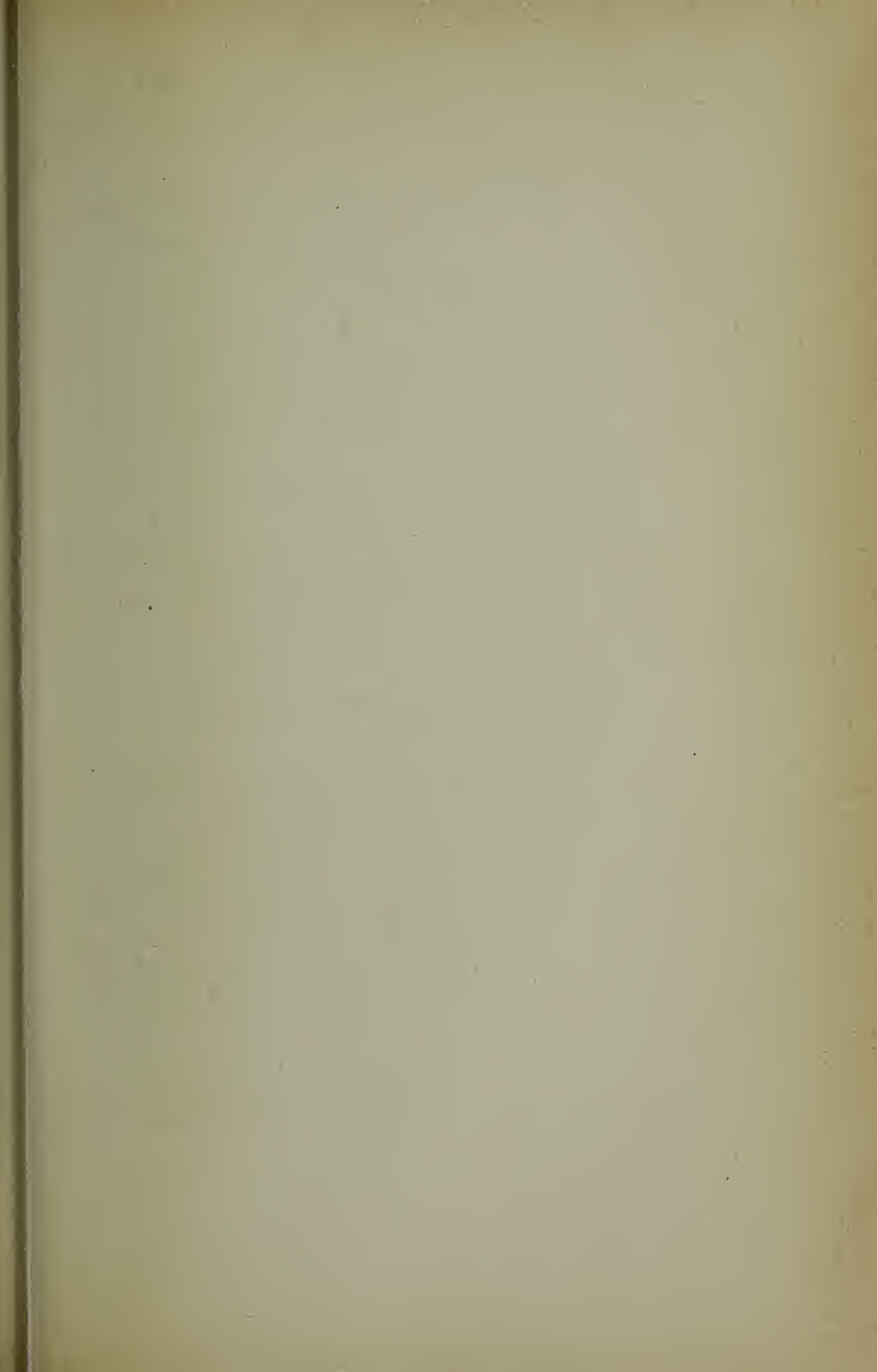
SEC. 6. The Chief of Police shall provide and keep in his office, a book open and accessible to every citizen, wherein notice may be given of the existence of any nuisance, or the violation of any law or any order of the Board of Supervisors.

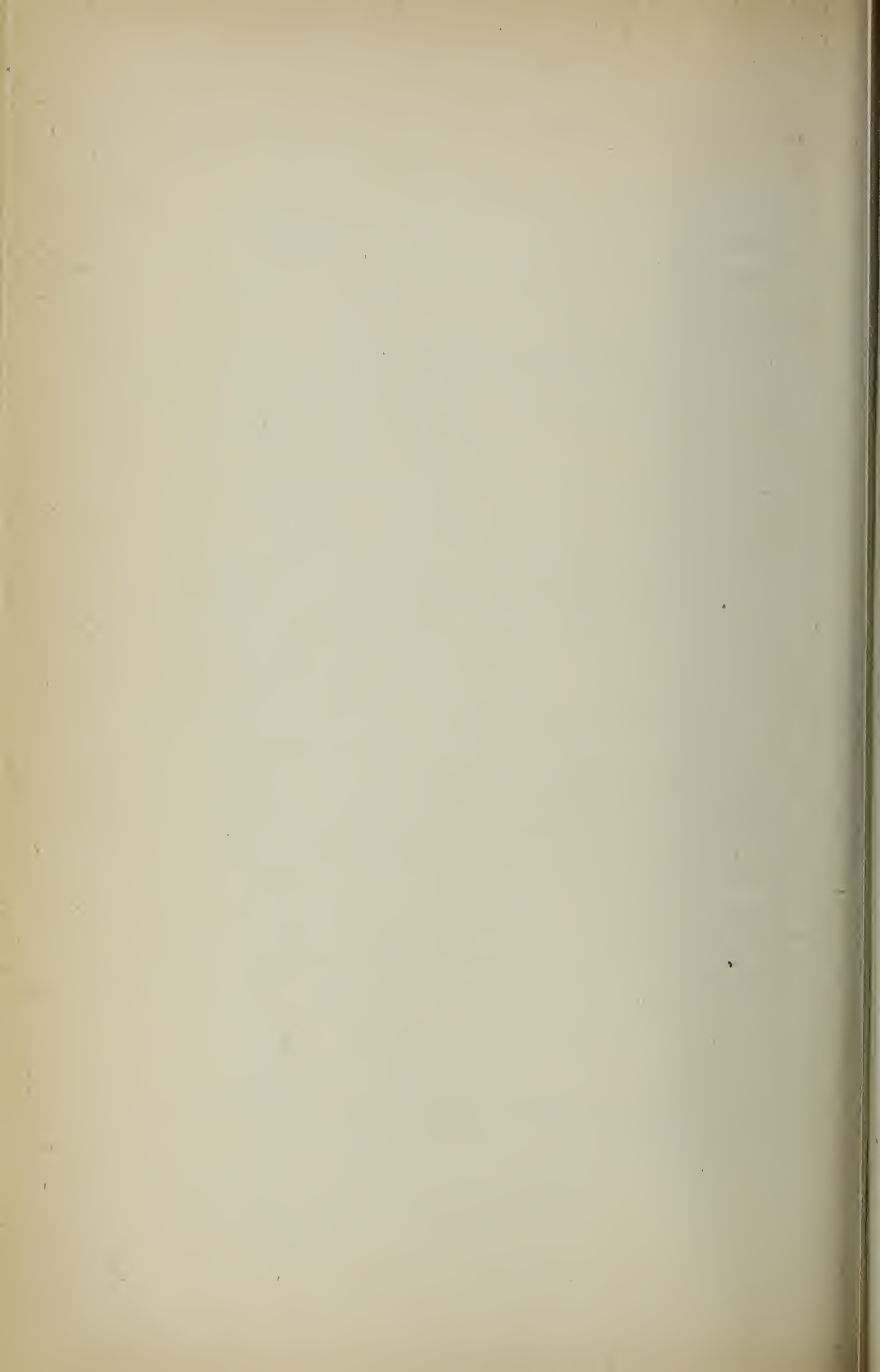
Book for Entering Information of Offenses Committed, and to whom accessible.

SEC. 7. The Chief of Police shall provide and keep in his office, a book, wherein shall be entered daily all information he may receive respecting offenses committed, of suspected persons or places, of property stolen, the name of the officer, if any, on duty where any offense shall have been committed, and every other fact and circumstance that may lead to the arrest of criminals or the recovery of stolen property. Such book shall be accessible only to the Police Judge, District Attorney, Assistant District Attorney and Mayor.

Duty of Police in Case of Fire.

SEC. 8. In case of fire the Chief of Police shall proceed with all the force off duty, and be vigilant in preserving





order and preventing crime, in the immediate vicinity of the fire.

Police not to Visit Saloons, etc., while on Duty.

SEC. 9. No Police Officer shall, while on duty, visit any drinking saloon, house of ill-fame, theatre, circus, or other place of business or amusement, except he be in the discharge of his duty.

Police Uniforms and Badges.

SEC. 10. The Chief of Police and all officers of the permanent police force, shall provide themselves with uniforms and badges of office, which shall be worn by them upon all occasions, with such exceptions, on the part of officers performing detective duty, as may be permitted by the Chief of Police.

Police Uniforms and Badges described.

SEC. 11. The uniform worn shall consist of a single-breasted coat of a dark gray cloth, to button close up to the neck, with nine black buttons on the breast, a turn-down black velvet collar, the skirt of the same extending to the bend of the knee, with pants and vest of the same material and color. The Captains and Officers of Police shall wear the badges and stars now respectively worn by them, which badges and stars shall be provided with eyes, and permanently stitched to the left breast of the coat, at a point opposite to the fourth button from the top, and distant two and one-half inches therefrom. The overcoat must be of the same cloth as the uniform, and buttons the same as the uniform, and be made a plain sack, to reach just below the bend of the knee, with pockets in the side, with flaps that may be worn in or outside the pockets, double-breasted, and made so as to button close up to the chin, with black velvet collar. The Captains and Officers of the Police shall each wear a black Alpine hat, similar in shape and style to the sample hat made

for, and now in possession of the Board of Police Commissioners.

False Representation of being a Police Officer or Member of the Fire Department and Penalty.

SEC. 12. No person shall falsely represent himself to be a Police Captain, or Police Officer, or Member of the Fire Department, or shall wear any Police, or Fire Department badge, with intent to deceive, or shall use any signs, badges or devices used by the Police Department, or by the Fire Department, with the intent aforesaid.

Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be punished by a fine not less than twenty dollars nor more than five hundred dollars, or by imprisonment in the County Jail not less than ten days, nor more than three months.

Prohibition against Police Discharging Persons from Custody.

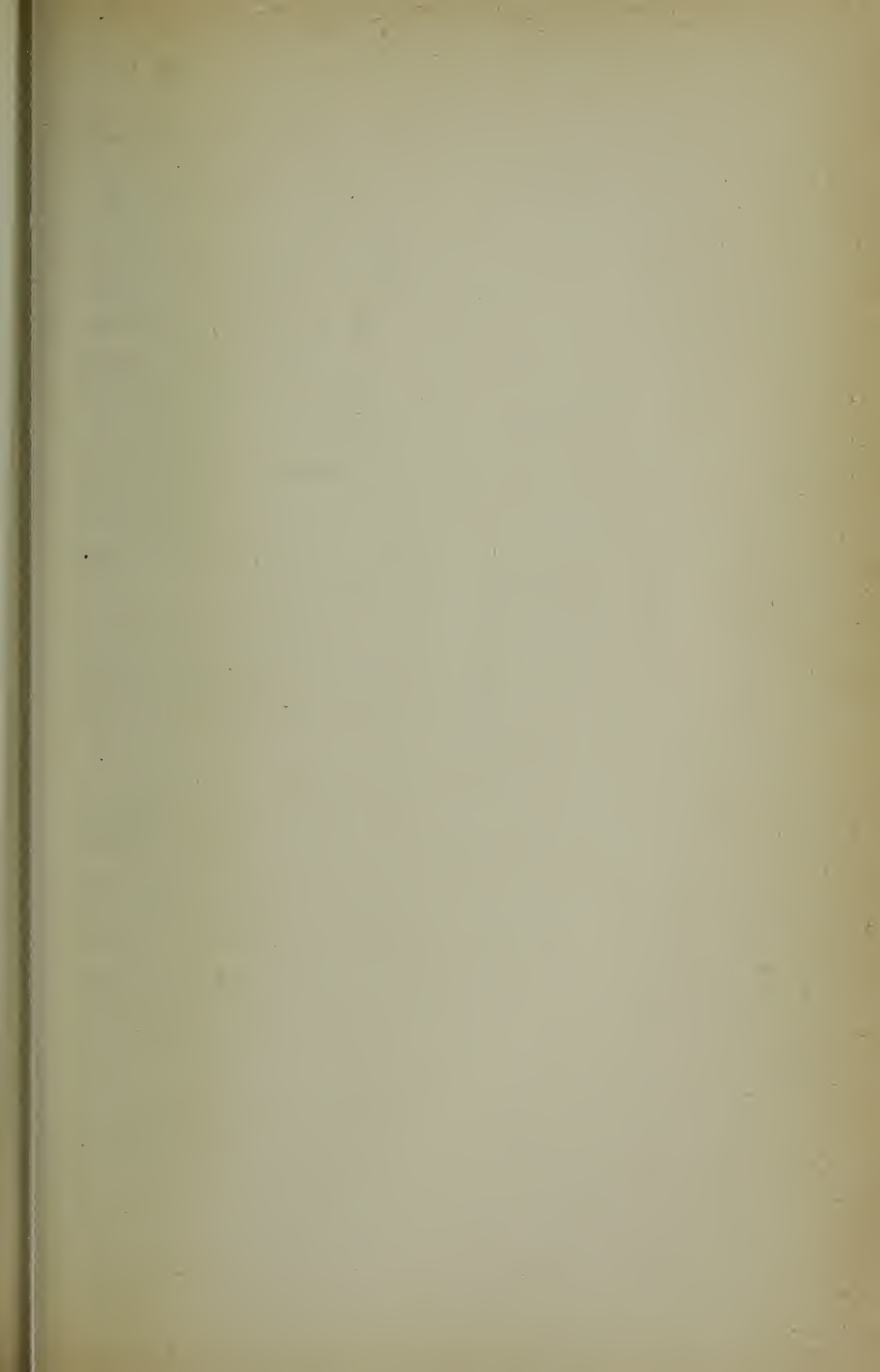
SEC. 13. Neither the Chief of Police, nor any Captain of Police, or Police Officer, shall discharge any person arrested, from custody, except by order of the Police Judge, or other competent authority.

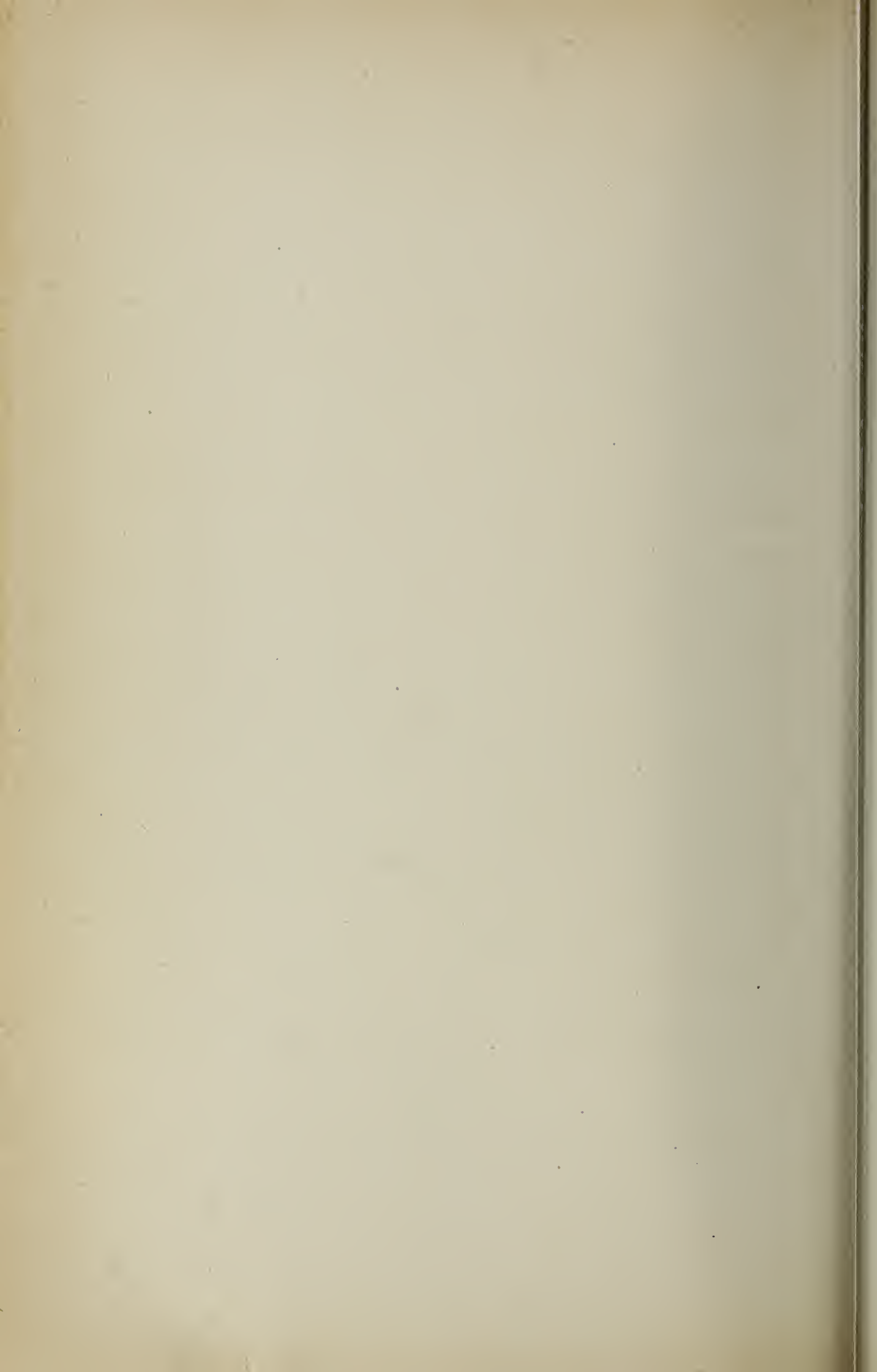
Duties of Police Captains.

SEC. 14. It shall be the duty of each Police Captain to enter in a book the name of each Police Officer under his charge; to note with exactitude any and every absence from duty of any policeman; to make a return monthly to the Chief of Police of the days and nights which each man has been on duty, and the days and hours he may have been absent; and to report to the Chief of Police any neglect of duty, and any violation of the rules of the department, on the part of any Police Officer.

Police Officers not to Solicit Business for Attorneys.

SEC. 15. It shall be unlawful for any Captain of Police,





Police Officer, Prison-Keeper, Local Police Officer, or any other person connected with the Police Department to solicit from any person legal business, or the defense or prosecution of, or for any case pending, or about to be pending in any court in said City and County, for any person practicing law ; or to urge, or recommend, or suggest to any person, whether in legal detention or not, that any particular person practicing law should be employed for the defense or prosecution of such person or any other person.

Officer must enter name and charge at once, and notify Attorney requested by Prisoner.

SEC. 16. It shall be the duty of every Police Officer or person connected with the Police Department, making the arrest of any person, or confining any person in the City or other Prison, to immediately enter or cause to be entered the name of such person in the Register of Arrests ; the charge upon which such person has been arrested, or is detained, and the place and time of such arrest, together with the name of the officer making such arrest, or such detention, which book shall be kept in the main prison, and it shall be the duty of such officer or person so making such arrest or detention, if he shall be requested so to do, by the person so arrested or detained, to notify at once any attorney-at-law designated by said person, and having an office in said City and County, that said person so detained wants to see him ; said notification may be either personal or by notice left at the office of said attorney.

The person so notified shall have the right, and it shall be the duty of the person having charge of the place of such detention, to permit such person to confer at once with the person so detained and who has desired to see him.

Penalty.

SEC. 17. Any officer or person mentioned in section 15,

of this chapter, who violates any of the provisions of this chapter, is guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, or by imprisonment in the County Jail not less than twenty-five days nor more than one hundred days, or by both such fine and imprisonment.

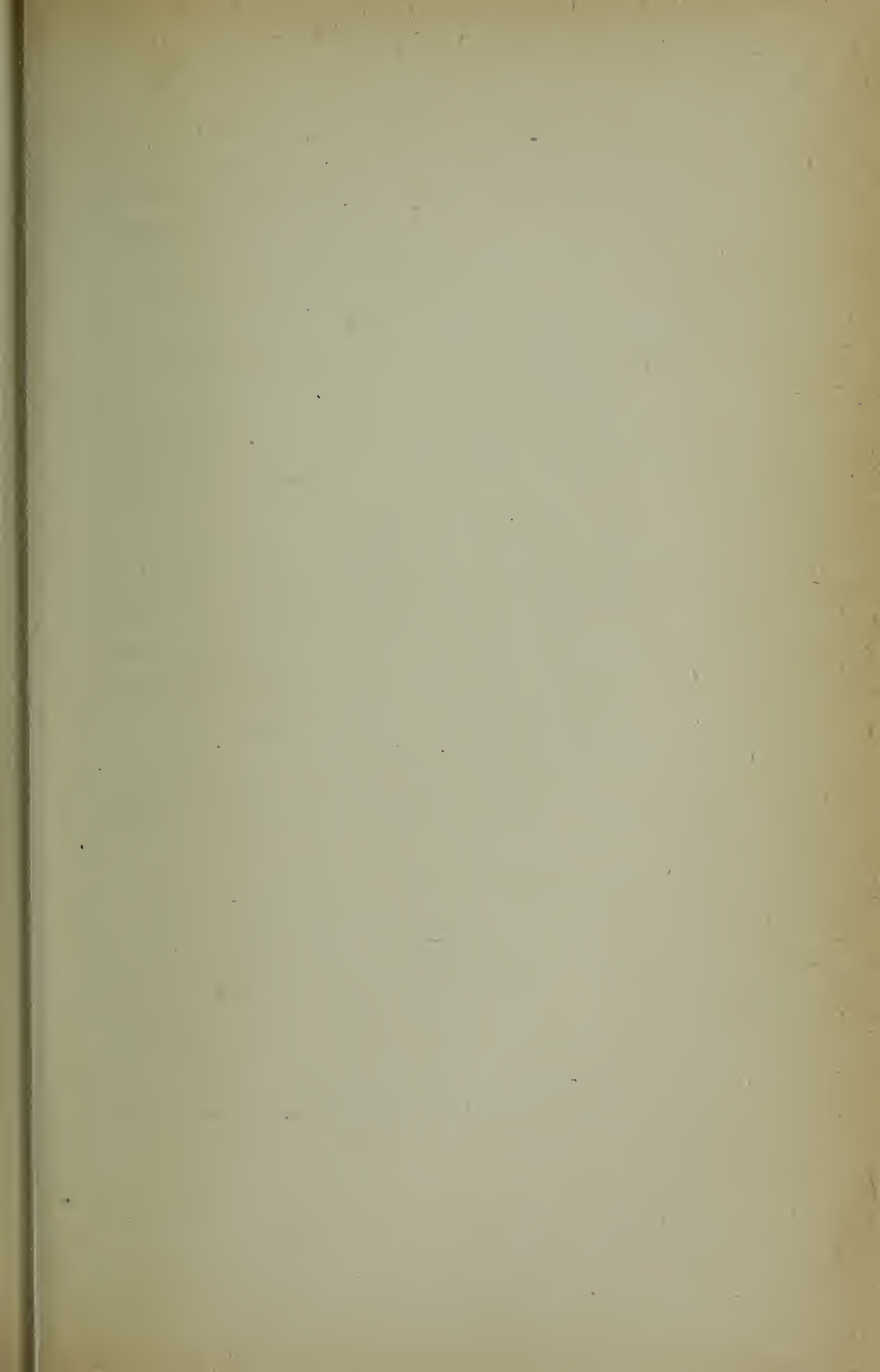
Police Commissioners must suspend and remove offending Officers.

SEC. 18. Upon information on oath being laid before the Board of Police Commissioners of said City and County, that any officer or person mentioned in Section 15, of this chapter has violated the provisions of this order, it is hereby made the duty of said Board to at once suspend such officer or person from duty, without pay, and to investigate the same as soon as possible, and if the charge against such officer or person be sustained, then the said Board shall forthwith dismiss said officer or person from said Police Department, and bring the charges necessary against him in the Police Court.

Suspension of Police Officers by Chief.

SEC. 19. The Chief of Police shall have power to suspend from duty any Police Captain or Police Officer (regular or local) who may be charged by a Police Captain, in his report, or by a citizen, in a verified complaint, with neglect of duty, disobedience of orders, inefficiency, or official misconduct.

In case of charges brought to the notice of the Chief of Police against any Police Captain or Police Officer (regular or local), by any person, which, in his judgment, do not require the immediate suspension of the person charged, he shall within twenty-four hours thereafter, furnish to the Mayor and the Police Judge copies of such charges, with the name of the person making the same.



As soon thereafter as convenient, they shall examine into the truth of said charges, if in their judgment the circumstances require it, and if, on investigation and trial of the offender the charges be sustained, they shall inflict such punishment as the case may merit.

Suspension: Charges to be furnished and copy served on Accused.

SEC. 20. In case of the suspension of a Police Captain or Police Officer the Chief of Police shall, within twenty-four hours after such suspension, furnish to the Mayor and the Police Judge written charges against the Captain or Officer suspended, specifying the grounds of the suspension; and within the same time shall cause to be served upon the accused a copy of such charges.

Trial of Charges by Police Commissioners.

SEC. 21. Within two days after the Mayor and the Police Judge shall be furnished by the Chief of Police with written charges against any Police Captain or Police Officer, the Police Commissioners shall fix a time for the trial of such charges, and notify the accused thereof—which time shall not be less than two days, nor more than eight days thereafter.

At the time appointed, the Police Commissioners shall meet and proceed to hear, consider and decide upon such charges, the Police Judge acting as Chairman.

The accused shall have the right to defend in person and by counsel.

The Chairman of the Board of Police Commissioners shall have power to issue subpoenas, to compel the attendance of witnesses, to administer oaths, and, by and with the consent of the other Police Commissioners, to punish for contempt.

Renâition of Decision upon Charges.

SEC. 22. *Within three days after the conclusion of the hearing provided for in Section 21, the Police Commissioners shall render their decision upon the charges made.

If the accused be found not guilty of any offense or misconduct, or any inefficiency, specified in the charges, he shall be reinstated;

If guilty, he may be suspended or removed from office, in the discretion of the said Commissioners ;

If he be reinstated by the Commissioners, he shall be entitled to his pay the same as if he had not been suspended;

If he be suspended he shall not be entitled to pay during the time his suspension shall continue ;

If he be removed from office, his pay shall cease from the time of his suspension

*As amended March 15, 1876, by Order No. 1266.

Police Commissioners may Appoint and Regulate Local Policemen.

SEC. 23. In addition to the Regular Police Officers allowed by law, the Board of Police Commissioners are authorized and empowered to appoint Local Policemen, upon the petition of citizens and property-owners who may desire their services, whenever in the judgment of said Commissioners the necessities of said city and county require such appointments to be made, and to make and prescribe rules and regulations for their government, provided they shall receive no pay from said city and county.

NOTE.—See Sec. 3, Act of April 1, 1878, page 6 ante.

—Also see § 12, Sec. 1, of Act of April 4, 1864, page 23 ante.

ORDER NO. 1,226.

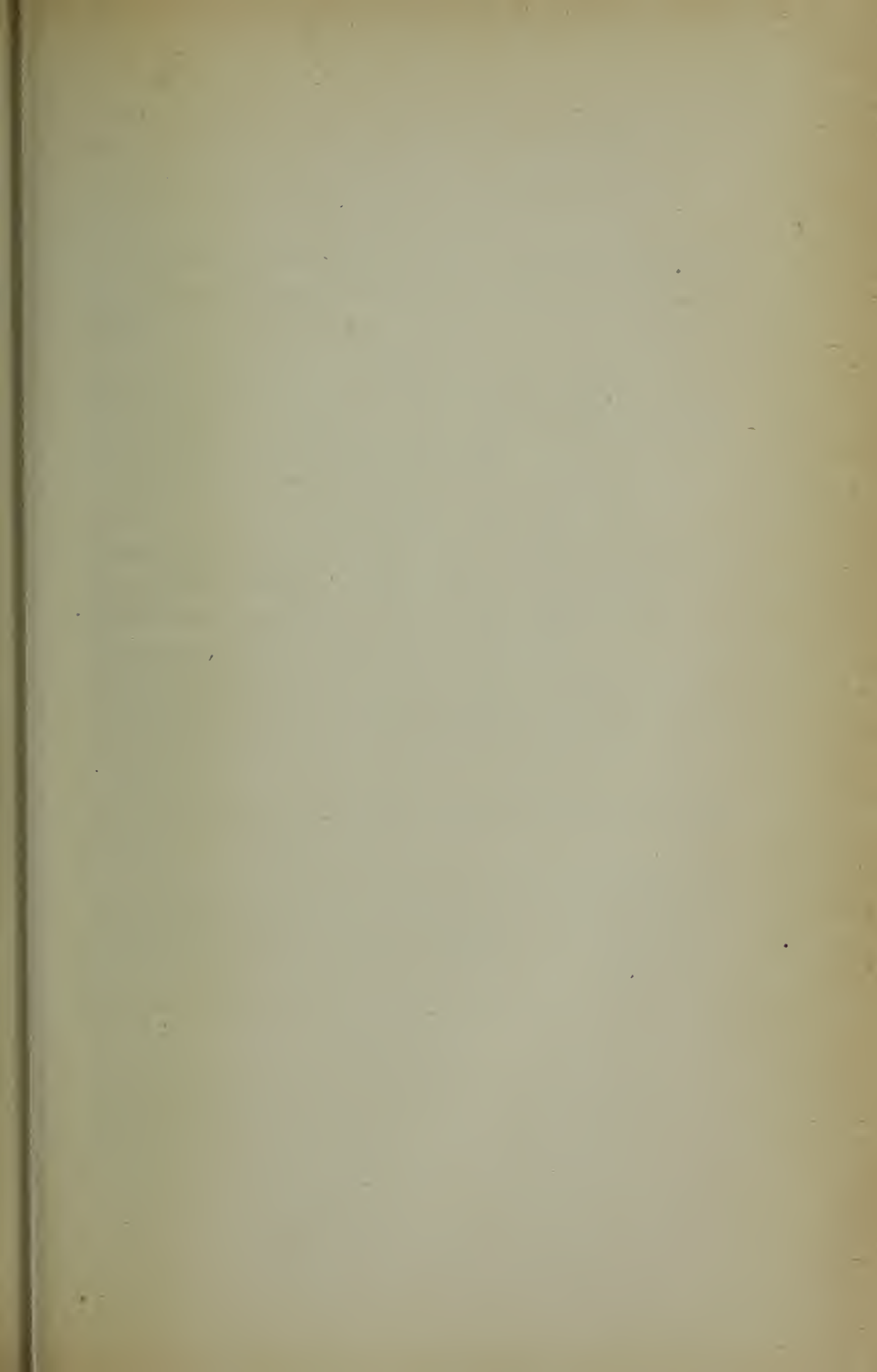
PROHIBITING THE CARRYING OF CONCEALED DEADLY WEAPONS.

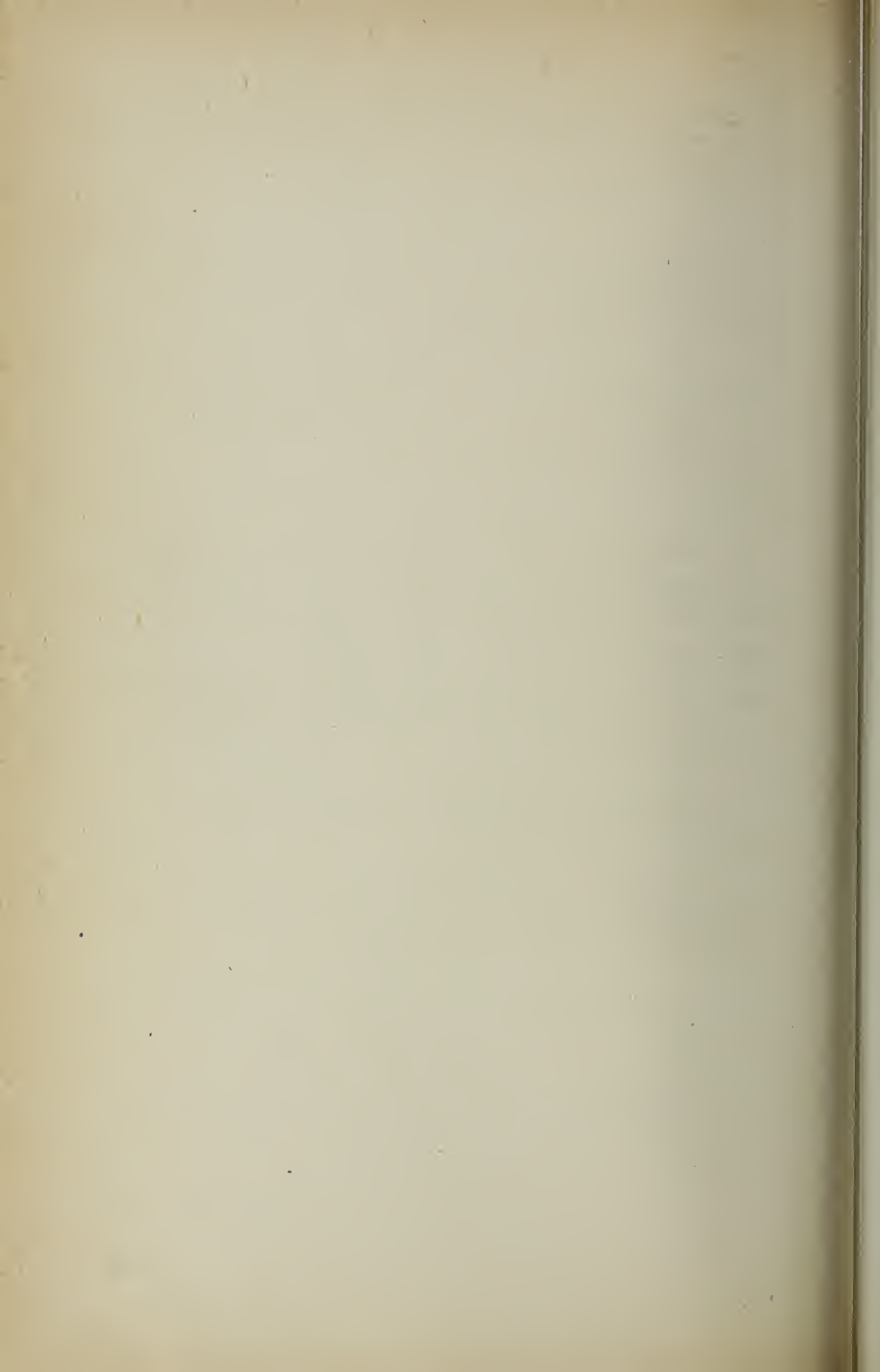
[Approved July 9, 1875.]

The People of the City and County of San Francisco do enact as follows :

Prohibition.

SECTION 1. It shall be unlawful for any person, not being a public officer or traveler, or not having a permit from the





Police Commissioners of this City and County, to wear or carry, concealed, in this City and County, any pistol, dirk or other dangerous or deadly weapon.

Penalty.

Every person violating any of the provisions of this order shall be deemed guilty of a misdemeanor and punished accordingly.

Traveler defined.

Such persons, and no others, shall be termed "travelers" within the meaning of this order, as may be actually engaged in making a journey at the time.

Police Commissioners may grant permits.

The Police Commissioners may grant written permission to any peaceable person, whose profession or occupation may require him to be out at late hours of the night, to carry concealed deadly weapons for his own protection.

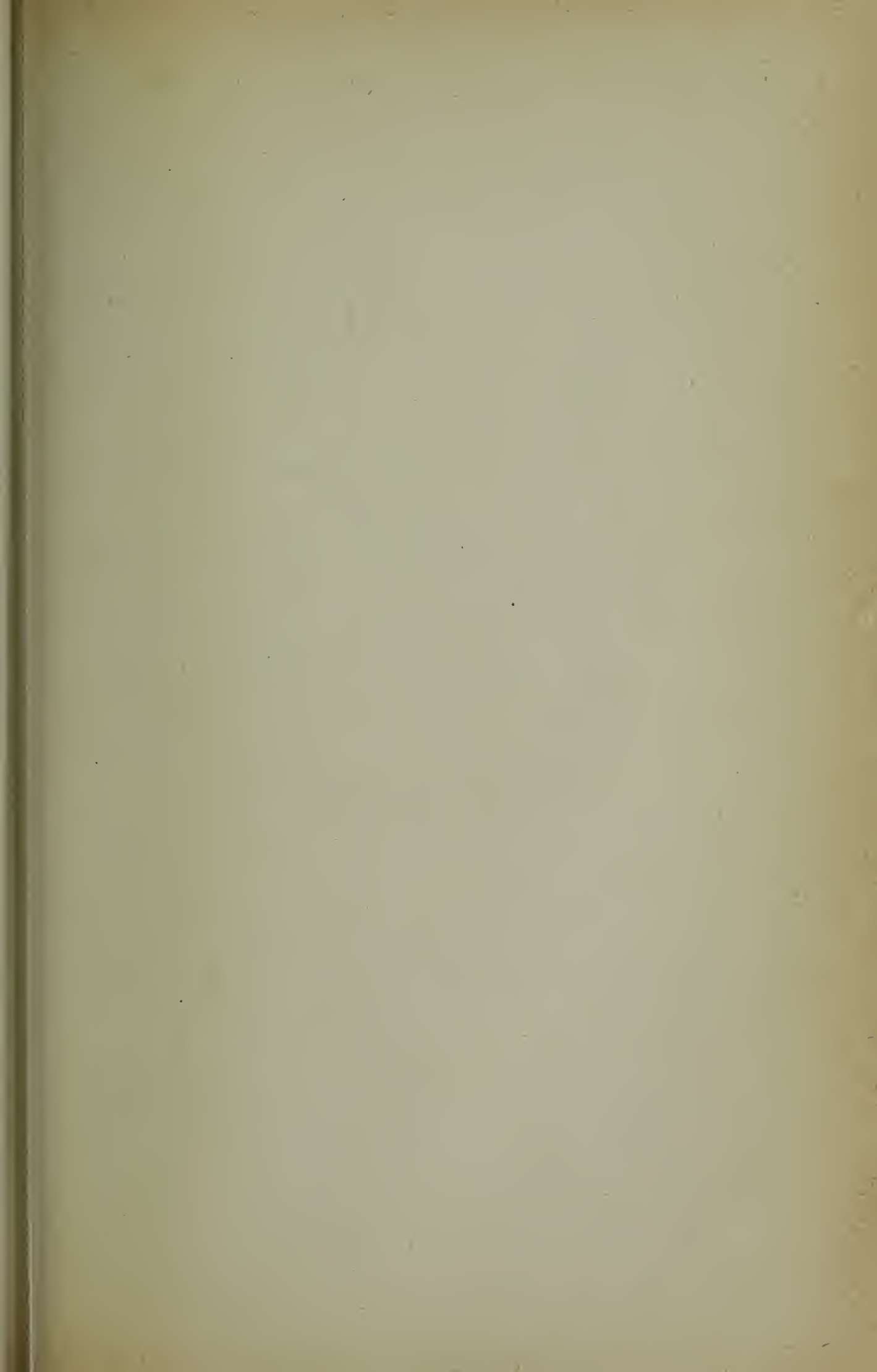
RESOLUTION OFFERING THE BOARD OF POLICE COMMISSIONERS THE USE OF THE CHAMBER OF THE BOARD OF SUPERVISORS.

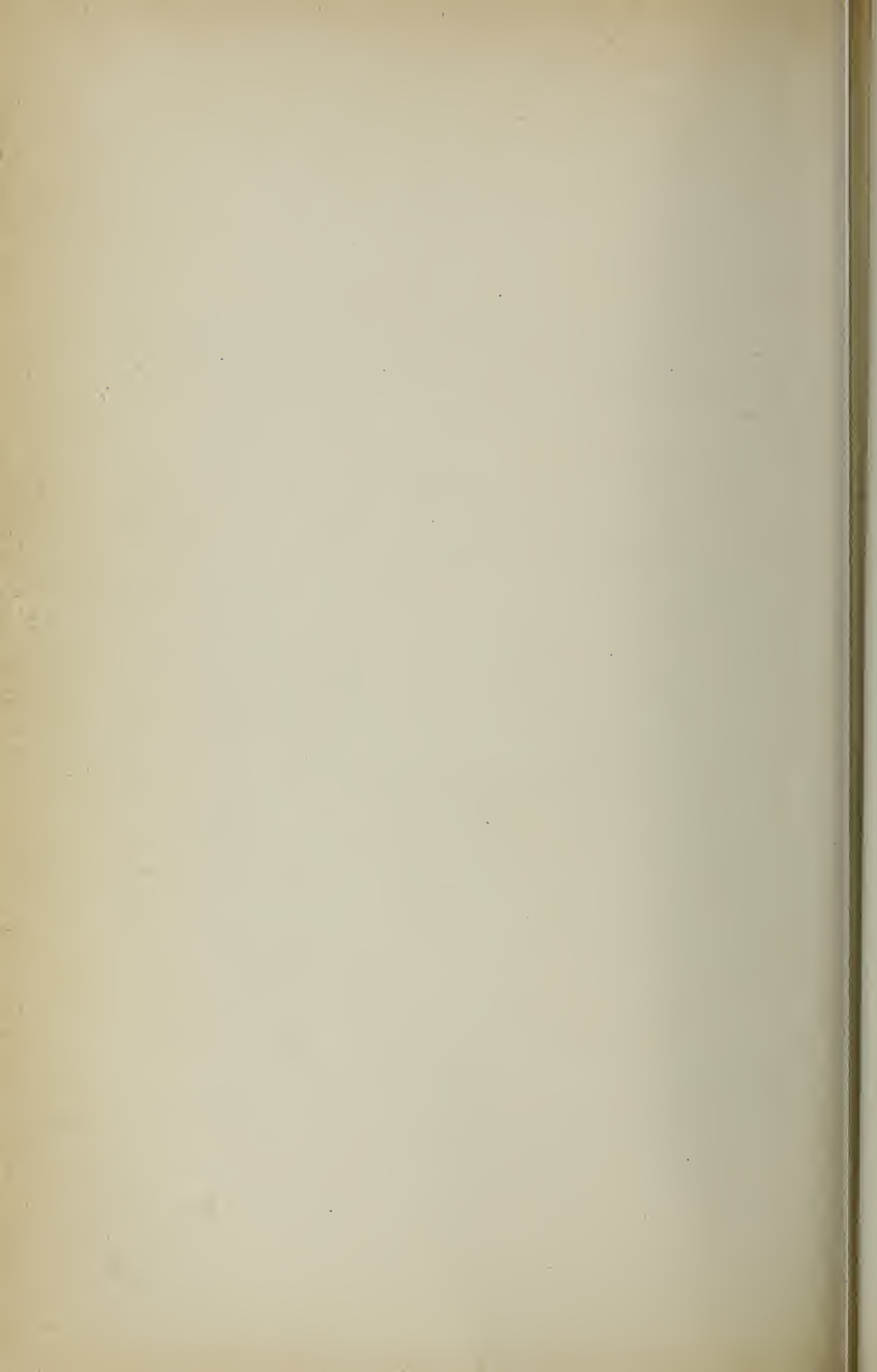
Resolution No. 12,150 (New Series), adopted in the Board of Supervisors, April 8, 1878 :

RESOLVED, That the Board of Police Commissioners be and are hereby tendered the use of the Rooms of the Board of Supervisors in which to hold their regular or special meetings.

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